



ISSUE NO. 22 – NOVEMBER 21, 2025

TABLE OF CONTENTS

PROPOSAL NOTICES

- Secretary of State, Office of, Title 44
 - 2025-414.1 (Commissioner of Political Practices) – Notice of Proposed Rulemaking – Business Disclosure – Political Committee Definitions and Classifications – Federally Filing and Nonresident Political Committee Reports.
- Justice, Department of, Title 23
 - 2025-480.1 Notice of Proposed Rulemaking – Enforcement of Fire Prevention and Investigation Section Rules.
- Labor and Industry, Department of, Title 24
 - 2025-136.1 (State Electrical Board) Notice of Proposed Rulemaking – Implementing House Bills 246, 414, and 497.
 - 2025-238.1 Notice of Proposed Rulemaking – License Renewals for Boards and Programs.
 - 2025-361.1 (Board of Psychologists) Notice of Proposed Rulemaking – Substantial Equivalency.
 - 2025-446.1 (Board of Medical Examiners) Notice of Proposed Rulemaking – Transfer of Emergency Medical Providers.
 - 2025-473.1 Notice of Proposed Rulemaking – Workers’ Compensation Court.

- Revenue, Department of, Title 42
 - 2025-304.1 Notice of Proposed Rulemaking – Implementing Alcoholic Beverage Industry Legislation.
- Transportation, Department of, Title 18
 - 2025-171.1 Notice of Proposed Rulemaking – Relocation of a Facility Affected by Certain Highway Construction Projects.

ADOPTION NOTICES

- Labor and Industry, Department of, Title 24
 - 2025-146.2 Notice of Adoption – Home Inspector Licensure.
 - 2025-221.2 (Board of Barbers and Cosmetologists) Notice of Adoption – Proposed Rule Changes From Board Actions and Senate Bill 227 (2025) – Red Tape Relief Initiative.
 - 2025-268.2 Notice of Adoption – Implementing Industry-Recognized Credentials and House Bill 252 (2025).
- Public Health and Human Services, Department of, Title 37
 - 2025-523.2 – Notice of Adoption – Home and Community-Based Services Program – Electronic Visit Verification Requirements.
 - 2025-524.2 Notice of Adoption – Community Supports and Supported Living Services.
 - 2025-528.2 – Notice of Adoption – Emergency Medical Services.
- Secretary of State, Office of, Title 44
 - 2025-256.2 Notice of Adoption – Changes to the Annual Election Security Assessment Requirement.

OTHER

- Governor, Office of the
 - Executive Branch Vacancies and Appointments



MONTANA
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OFFICE OF THE COMMISSIONER OF POLITICAL PRACTICES

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-414.1

Summary

The Office of the Commissioner of Political Practices (COPP) proposes to amend ARM 44.10.621, 44.11.202, 44.11.203, 44.11.204, and 44.11.305 pertaining to business disclosure, political committee definitions and classifications, and federally filing and nonresident political committee reports.

No Hearing Scheduled

If the agency receives requests for a public hearing on the proposed rulemaking from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed rulemaking; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register.

The estimated number of persons directly affected by the proposed rulemaking is 500.

Comments

Comments may be submitted via email at cppcompliance@mt.gov or via fax at (406) 444-1643. Comments must be received by Friday, December 19, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Thursday, December 11, 2025, at 5:00 p.m.

Contact

Scott Cook
(406) 444-2942
cppcompliance@mt.gov
Fax: (406) 444-1643

General Reasonable Necessity Statement

COPP proposes amending ARM 44.10.621 to clarify the information that is required to be disclosed on the D-1 Business Disclosure Statement and otherwise conform the rule to the 2025 Montana Legislature's passage and approval of Senate Bill 492.

COPP proposes amending ARM 44.11.202, 44.11.203, and 44.11.204 to remove redundancies, clarify exceptions as to what does not constitute a political committee, and otherwise conform these rules to the 2025 Montana Legislature's passage and approval of House Bill 917.

COPP proposes amending ARM 44.11.305 to allow federally filing and nonresident political committees flexibility to allow an individual who is not a Montana resident to certify and submit their reports. Incidental political committees required to file reports in Montana were provided such flexibility via the 2025 Montana Legislature's passage and approval of House Bill 917.

Rulemaking Actions

AMEND

The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

44.10.621 BUSINESS DISCLOSURE

- (1) ~~For purposes of this rule, "individual" means elected officials, candidates for statewide or state district offices (excluding judiciary); department directors, or anyone appointed to fill any of these offices.~~

- ~~(2)~~(1) For purposes of 2-2-106, MCA form D-1 Business Disclosure Statement, the term "other business interests" means any interest in any business, firm, corporation, partnership, or other business or professional entity or trust owned by an individual, the current fair market value of which is \$1000 or more. Ownership of any security, equity, or evidence of indebtedness in any business corporation or other entity is a "business interest.":
- (a) any interest of 10% or greater, the current fair market value of which is \$1000 or more, in any business, firm, corporation, partnership, or other business or professional entity or trust; or
 - (b) a greater than 1% interest, the current fair market value of which is \$1000 or more, in any publicly traded company.
- ~~(3)~~(2) Not included within the meaning of "other business interests" and therefore not reportable under 2-2-106, MCA, are interests of the following nature:
- (a) ownership of any personal property held in an individual's name and not held for use or sale in a trade or business or for investment purposes, such as personal vehicles or household furnishings;
 - (b) cash surrender value of any insurance policy or annuity;
 - (c) bank deposits, including checking or savings accounts or certificates of deposit, if they are not held for use in a trade or business;
 - (d) securities issued by any government or political subdivision; or
 - (e) mutual funds.
- ~~(4)~~(3) An ownership interest in real property includes a fee, life estate, joint or common tenancy, leasehold, beneficial interest (through a trust), option to purchase, or mineral or royalty interest, if the current fair market value of the interest is \$1000 or more.
- (a) It is not necessary to disclose ownership of a personal residence, but each individual is entitled to exclude only one residence.
 - (b) While valuation of property is not required (it need only be disclosed if its current fair market value exceeds \$1000), a description of both the property and the nature of the interest must be included. This may be a general description sufficient to identify the property without recourse to oral testimony. A street address is sufficient unless it is a rural route. The nature of the property must be described; for example, farm, ranch, vacation home, commercial or residential property, raw land held for investment, etc.
- ~~(5)~~(4) Any individual described in (1) of this rule, ~~is required to file a business disclosure form according to the filing schedules prescribed in 2-2-106, MCA.~~ The form D-1

Business ~~d~~Disclosure Statement forms are is provided by the Commissioner of Political Practices, PO Box 202401, Helena, MT 59620-2401.

Authorizing statute(s): 5-7-111, MCA

Implementing statute(s): 5-7-102~~(12)~~, MCA

44.11.202 POLITICAL COMMITTEE, DEFINITION AND EXCEPTIONS AND TYPES

- (1) A political committee has the meaning as defined in 13-1-101, MCA. ~~A political committee exists under Title 13, chapters 35 and 37, MCA, and these rules by virtue of its receipt of one or more contributions or through making one or more expenditures. A political committee must register with the commissioner at the time and in the manner set out in 13-37-201, MCA, and these rules, see ARM 44.11.201 and 44.11.302.~~
- ~~(2) There are four types of political committees:~~
 - ~~(a) a ballot issue committee as defined in 13-1-101, MCA;~~
 - ~~(b) a political party committee as defined in 13-1-101, MCA;~~
 - ~~(c) an incidental committee as defined in 13-1-101, MCA; and~~
 - ~~(d) an independent committee as defined in 13-1-101, MCA.~~
- (2) Subunits of a main political committee, such as county committees or other divisions, that have authority to receive contributions and make expenditures independent of a parent political committee are separate political committees. Subunits within those entities defined under "person" in these rules that have authority to receive contributions and make expenditures independent of the corporation or other entity are also separate political committees.
- (3) A political committee is not formed by the following:
 - ~~(a) by an individual who makes an independent expenditure solely with his or her own funds and by his or her own actions;~~
 - ~~(b) by a \$250 or less expenditure as defined by "political committee" in 13-1-101, MCA;~~
 - ~~(c)(a) by a de minimis activity, as defined in these rules;~~
 - ~~(d)(b) by an individual who is married making a contribution through his or her joint checking account; or~~

- (c) individual members of an LLC or partnership making a contribution through their joint checking account; or
- (e)(d) by a candidate and his or her campaign treasurer(s) making an expenditure from or accepting a contribution in to the candidate's campaign.
- (4) ~~A ballot issue committee is a political committee specifically organized to support or oppose a ballot issue. A "ballot issue" is defined by 13-1-101, MCA.~~
- (5) ~~A political party committee is a political committee formed by a political party organization. A political party organization is defined by 13-1-101, MCA. A political party committee includes a county central committee, city central committee, clubs, and any other political committee that was formed by a political party organization.~~
- (6) ~~An incidental committee is a political committee that does not have the primary purpose of supporting or opposing candidates or ballot issues. Incidental committee reportable election activity may consist of:~~
 - (a) ~~making one or more expenditures;~~
 - (b) ~~accepting one or more designated contributions; or~~
 - (c) ~~accepting one or more contributions in response to an appeal.~~
- (7) ~~An independent committee is a political committee that has the primary purpose of supporting or opposing candidates or ballot issues but is neither a ballot issue nor a political party political committee. Independent committee reportable election activity may consist of:~~
 - (a) ~~making one or more expenditures;~~
 - (b) ~~accepting one or more contributions.~~
- (8) ~~Provided its reportable election activity is all within a single reporting period, a political committee may file a single report of its election expenditures or contributions, identifying the report as an opening and closing report.~~
- (9) ~~The primary purpose standard is defined in ARM 44.11.203.~~
- (10) ~~The commissioner may classify each political committee in the manner defined in these rules, see ARM 44.11.204.~~
 - (a) ~~Subunits of a main political committee, such as county committees or other divisions, that have authority to receive contributions and make expenditures independent of a parent political committee are a separate political committee.~~
 - (b) ~~Subunits within those entities defined under "person" in these rules that have authority to receive contributions and make expenditures independent of the corporation or other entity are a separate political committee.~~

The December 2015 poll of the Montana Legislature on proposed amendment of 44.10.327 (ARM 44.11.202) POLITICAL COMMITTEE, DEFINITION AND TYPES in MAR Notice No. 44-2-207 was as follows: 26 Senators voted the proposed rule is consistent with legislative intent; 20 Senators voted the proposed rule is contrary to legislative intent; 49 Representatives voted the proposed rule is consistent with legislative intent; and 36 Representatives voted the proposed rule is contrary to legislative intent.

Authorizing statute(s): 13-37-114, MCA

Implementing statute(s): 13-1-101, 13-37-225, 13-37-226, 13-37-229, 13-37-231, 13-37-232, MCA

44.11.203 PRIMARY PURPOSE

- (1) The term "primary purpose" refers to the major, principal, or important goal, function, or reason for existence of a political committee.
- (2) The commissioner may determine that the primary purpose of a political committee is to support or oppose candidates or ballot issues based upon any one or more of the following criteria:
 - (a) allocation and source of budget;
 - (b) allocation of staff or members' activity, ~~both during an election and otherwise; or~~
 - (c) the statement of purpose, articles of incorporation, bylaws, or goals articles of organization, articles of incorporation, or other official documentation filed with the State of Montana or the committee's home state;
 - (d) reportable election activity;
 - (e) receipt of contributions in response to an appeal or that are designated for a specified candidate, ballot issue, or petition;
 - (f) coordination with any candidates or political committees;
 - (g) ordinary business actually conducted; or
 - (h) the committee's bylaws.
- (3) The commissioner, in determining the primary purpose of a political committee, may also consider any one or more of the following criteria:
 - (a) reportable election activity;

- (b) ~~the history of the political committee and the number of elections in which it has participated or registered;~~
 - (c) ~~receipt of contributions in response to an appeal or that are designated for a specified candidate, ballot issue, petition, or reportable election activity;~~
 - (d) ~~the number and cost of reportable election expenditures made;~~
 - (e) ~~coordination with any candidates or other political committees;~~
 - (f) ~~ordinary business actually conducted;~~
 - (g) ~~if a corporation, whether it was created and maintained as provided by law; or~~
 - (h) ~~the date of founding, incorporation, or organization.~~
- (4) ~~If the commissioner finds, pursuant to ARM 44.11.204 and based on his or her analysis of the information provided on the political committee's statement of organization (Form C-2), or any other information known or provided to the commissioner's office, that an organization's primary purpose is to support or oppose a candidate or ballot issue, then that organization shall file and report as an independent committee, ballot issue committee, or political party committee, pursuant to these rules, and not as an incidental committee.~~
- (5)(3) ~~The COPP's determination of the primary purpose of a political committee shall be based upon a preponderance of the evidence.~~
- (6) ~~Once notified of its classification by the COPP, a political committee may submit additional information and request to be reclassified pursuant to ARM 44.11.204.~~

~~The December 2015 poll of the Montana Legislature on proposed NEW RULE I (ARM 44.11.203) PRIMARY PURPOSE in MAR Notice No. 44-2-207 was as follows: 26 Senators voted the proposed rule is consistent with legislative intent; 20 Senators voted the proposed rule is contrary to legislative intent; 52 Representatives voted the proposed rule is consistent with legislative intent; and 33 Representatives voted the proposed rule is contrary to legislative intent.~~

Authorizing statute(s): 13-37-114, MCA

Implementing statute(s): 13-1-101, 13-37-114, 13-37-226, 13-37-232, MCA

44.11.204 POLITICAL COMMITTEE, CLASSIFICATION

- (1) ~~The commissioner shall classify a political committee upon the basis of information including the statement of organization as defined in these rules. The commissioner shall notify a political committee of its classification.~~
- ~~(2)~~(1) The A political committee shall be classified as a ballot issue committee, incidental committee, independent committee, or political party committee as defined in 13-1-101, MCA one of the types of political committee specified in ARM 44.11.202.
- (3) The commissioner may review a political committee's classification and may reclassify a political committee upon the basis of the statement of organization as defined in these rules. The commissioner shall notify a political committee of any reclassification ~~reclassify a political committee if the status of that committee should change.~~
- (4) If the commissioner, based upon the information provided on the statement of organization, is unable to classify a political committee ~~determine a political committee's classification~~, additional information may be requested by the commissioner ~~may request additional information regarding the political committee's primary purpose pursuant to ARM 44.11.203.~~ If additional information is requested, a political committee shall provide the requested information within 10 business days after receipt of the request.
- (5) A political committee, after it has received notice of its classification that is reclassified, may supply additional information and request to be reclassified reconsideration by the commissioner.

~~The December 2015 poll of the Montana Legislature on proposed amendment of 44.10.329 (ARM 44.11.204) POLITICAL COMMITTEE, CLASSIFICATION in MAR Notice No. 44-2-207 was as follows: 26 Senators voted the proposed rule is consistent with legislative intent; 20 Senators voted the proposed rule is contrary to legislative intent; 49 Representatives voted the proposed rule is consistent with legislative intent; and 36 Representatives voted the proposed rule is contrary to legislative intent.~~

Authorizing statute(s): 13-37-114, MCA

Implementing statute(s): 13-37-226, MCA

44.11.305 NONRESIDENT AND FEDERALLY FILING COMMITTEES, REPORTS

- (1) As used in this rule, "federally filing committee" means any committee that files reports with the federal election commission on a monthly or quarterly basis pursuant to the Federal Election Campaign Act of 1971, as amended.
 - (a) If a federally filing committee's reports filed with the federal election commission fully disclose the source and disposition of all contributions and expenditures used in elections in Montana, the commissioner shall accept copies of such reports in lieu of the periodic reports prescribed by the Campaign Finances and Practices Act. Such reports need to be filed with the commissioner only for periods in which a federally filing committee receives contributions from Montana sources or makes expenditures in elections in Montana. A copy of a statement of organization (FEC Form 1) shall accompany the first report, and copies of any amendments thereto shall be filed with the commissioner.
 - (b) This rule does not affect the duty of any such committee under 52 USCS Sec. 30113 to file copies of reports with the Montana Secretary of State.
 - (c) If a federally filing committee cannot satisfy the requirements set forth in these rules, it shall file reports on the COPP's forms for the periods in which the committee makes expenditures and contributions in elections in Montana. Such reports shall contain the information required by 13-37-229 through 13-37-232, MCA, and these rules.
 - (d) The individual certifying a report filed in Montana by a federally filing committee need not be a Montana resident.
- (2) Committees headquartered outside the state of Montana that are not federally filing committees and that make expenditures and contributions in elections in Montana may satisfy the requirements of the Montana Campaign Practices Act in one of two ways:
 - (a) if the committee files reports with a state officer in its home state, the commissioner may accept copies of such reports in satisfaction of the requirements of the Montana Campaign Finances and Practices Act if: ~~those reports fully disclose the source and disposition of all expenditures and contributions used in elections in Montana. Such reports need to be filed only for periods in which the committee makes expenditures and contributions in elections in Montana. A copy of a statement of organization or equivalent statement shall accompany the first such report, and copies of any amendments thereto shall be filed with the commissioner as they occur.~~
 - (i) the reports fully disclose the source and disposition of all contributions and expenditures used in elections in Montana;

- (ii) contribution and expenditure activity relating to Montana elections is not the majority purpose of the committee; and
 - (iii) all Montana contribution and expenditure activity is reported prior to the election in which the activity pertains.
- (b) If a nonresident committee cannot satisfy the requirements set forth in (a), it shall file reports on Montana forms for the periods in which the committee makes expenditures and contributions in elections in Montana. Such reports shall contain the information required by 13-37-229 through 13-37-232, MCA, and these rules.
- (3) Nonresident reports need to be filed only for periods in which the nonresident committee makes expenditures and contributions in elections in Montana. A copy of a statement of organization or equivalent statement shall accompany the first such report, and copies of any amendments shall be filed with the commissioner as they occur.
- (4) The individual certifying a report filed in Montana by a nonresident committee need not be a Montana resident.

Authorizing statute(s): 13-37-114, MCA

Implementing statute(s): 13-37-227, MCA

Small Business Impact

The proposed rule changes will impact candidates seeking election to public office and political committees and political committees participating in those elections. COPP has determined that there will not be a direct probable significant impact to small businesses.

Bill Sponsor Notification

COPP contacted SB 492 sponsor Sen. Greg Hertz and HB 917 sponsor Representative Eric Tilleman via email prior to submission of this proposal. Both sponsors were provided a timeline for submittal and the opportunity to comment.

Interested Persons

COPP maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a

written request that includes the name and e-mail address of the person wishing to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be sent to COPP via email.

Rule Reviewer

Scott Cook

Approval

Chris J. Gallus, Commissioner of Political Practices



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DEPARTMENT OF JUSTICE

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-480.1

Summary

Amendment of ARM 23.12.402 pertaining to enforcement of fire prevention and investigation section rules.

No Hearing Scheduled

If the agency receives requests for a public hearing on the proposed rulemaking from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed rulemaking; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register.

The estimated number of persons directly affected by the proposed rulemaking is approximately 300 fire departments.

Comments

Comments may be submitted using the contact information below. Comments must be received by Friday, December 19, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Friday, December 19, 2025, at 5:00 p.m.

Contact

Dirk Johnson
406-771-1510
Dirk.Johnson@mt.gov

General Reasonable Necessity Statement

The reporting agency for fire incident reports has changed, and this revision is intended to reflect that change.

Rulemaking Actions

AMEND

The rule proposed to be amended is as follows, stricken matter interlined, new matter underlined:

23.12.402 ENFORCEMENT OF FIRE PREVENTION AND INVESTIGATION SECTION RULES

- (1) The FPIS shall administer and enforce in every area of the state of Montana all the provisions of the fire code and rules adopted pursuant thereto. The chief fire officials of each municipality, fire service area, or organized fire district shall have responsibility for enforcement of applicable fire codes within the limits of their jurisdiction, and shall assist the FPIS in the enforcement of laws and rules pertaining to fire safety in public buildings.
- (2) Each local authority responsible for fire prevention inspections shall maintain reports of inspections performed. Fire prevention inspection reports shall be accessible to and provided to the FPIS when deemed necessary by the state fire marshal.
- (3) Each official responsible for investigating fires shall file with the state fire marshal a fire incident report on each and every fire occurring within the official's jurisdiction. Fire incident reports must be submitted ~~on forms downloaded, or filled out online,~~ from to the National Fire Incident Reporting Emergency Response Information System (NFIRS NERIS) at www.nfirs.fema.gov. The state fire marshal's office may notify a fire department of ~~incomplete or invalid reports for resubmission with its~~ failure to report or its submission of incomplete information.

Authorizing statute(s): 50-3-102~~(2)~~, MCA

Implementing statute(s): 50-3-102, 50-61-102, 50-63-203~~(1)~~, MCA

Small Business Impact

There is no known small business impact, as this proposed rulemaking exclusively affects a narrow area of intergovernmental operations with no financial impact or tie to small businesses.

Bill Sponsor Notification

The bill sponsor contact requirements do not apply.

Interested Persons

The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Written requests may be mailed or delivered to the contact person listed in contact information or may be made by completing a request form at any rules hearing held by the department.

Rule Reviewer

Alwyn Lansing

Approval

Christian Corrigan



**MONTANA
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**STATE ELECTRICAL BOARD
DEPARTMENT OF LABOR AND INDUSTRY**

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-136.1

Summary

Implementation of House Bills 246, 414, and 497 pertaining to rules of the State Electrical Board

Hearing Date and Time

Wednesday, December 17, 2025, at 9:00 a.m.

Virtual Hearing Information

A public hearing will be held via remote conferencing to consider the proposed changes to the agency's rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

Join Zoom Meeting: <https://mt-gov.zoom.us/j/81440835218>

Meeting ID: 814 4083 5218; Password: 6487141419

Dial by Telephone: +1 646 558 8656

Meeting ID: 814 4083 5218; Password: 6487141419

Comments

Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted at dli.mt.gov/rules or P.O. Box 1728, Helena, Montana 59624. Comments must be received by Friday, December 19, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Wednesday, December 10, 2025, at 5:00 p.m.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

Rulemaking Actions

AMEND

The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

24.141.301 DEFINITIONS

- (1) "Journeyman level experience" is defined in 37-68-102, MCA. While serving an apprenticeship, hours of experience are not considered journeyman level experience.
- (2) ~~"Legally obtained" means obtained in accordance with the laws and rules of the jurisdiction in which an applicant obtained the experience and within the statutes and rules of the Montana State Electrical Board.~~
- (3)(2) "Limited electrical contractor" means a Montana-licensed electrical contractor limited to residential construction consisting of less than five living units in a single structure.
- (4)(3) "Montana State Electrical Code" means those sections and amendments of the National Electrical Code adopted by the Department of Labor and Industry's Building Standards Program.
- (5)(4) "National Electric Code" (NEC) means the code promulgated by the National Fire Protection Association, as amended and revised, adopted by the Department of Labor and Industry's Building Standards Program, and enforced by the board to set standards for electrical practice.

~~(6)~~(5) "Responsible electrician" means the Montana-licensed electrician engaged in a full-time capacity, who is responsible for all licensed electrical work performed by the electrical contractor.

~~(7)~~(6) "Unlimited electrical contractor" means a Montana-licensed electrical contractor that is licensed to perform electrical work on commercial, residential, industrial, and institutional electrical installations as covered by the national electrical code.

Authorizing statute(s): 37-1-131, 37-68-201, MCA

Implementing statute(s): 37-68-102, 37-68-201, 37-68-304, 37-68-305, 37-68-312, MCA

Reasonable Necessity Statement

The proposed amendment is necessary because House Bill (HB) 497, 2025 Mont. Leg. ch. 454, adopted the definition of "legally obtained practical experience" into state law. Therefore, it is not necessary to repeat a statutory definition in rule.

24.141.502 ~~TEMPORARY PRACTICE PERMIT~~ PROVISIONAL LICENSE

- (1) An active ~~temporary practice permit~~ provisional license allows an applicant to perform work while employed by a licensed electrical contractor.
- (2) A ~~temporary practice permit~~ provisional license issued to an applicant for an electrician license shall expire 90 days from the date of issuance or upon receipt of licensure examination results. If an applicant's ~~temporary practice permit~~ provisional license expires before the date of the applicant's scheduled examination, the department may, on a case-by-case basis, extend an applicant's ~~temporary practice permit~~ provisional license.
- (3) A ~~temporary practice permit~~ provisional license does not allow an individual to act as a responsible electrician for a licensed electrical contractor.
- (4) A second ~~temporary practice permit~~ provisional license may be issued to a person who fails the first license examination as provided in 37-68-311, MCA. Applicants who fail a residential or journeyman-level exam with a score of 64 percent or less are not eligible for a second ~~temporary practice permit~~ provisional license. Applicants who fail a master-level examination with a score of 69 percent or less are not eligible for a second ~~temporary practice permit~~ provisional license.

Authorizing statute(s): 37-1-319, 37-68-201, MCA

Implementing statute(s): 37-1-305, 37-68-311, MCA; [HB 414 (2025)]

Reasonable Necessity Statement

The proposed amendments are necessary to implement the relevant portions of HB 414, 2025 Mont. Leg. ch. 279, that repealed 37-1-305, MCA, Temporary Practice Permits and changed the standard language from “temporary practice permit” to “provisional license.”

24.141.2102 CONTINUING EDUCATION

- (1) Sixteen hours of continuing education must be obtained during the renewal cycle. A minimum of eight hours must cover NEC updates.
 - (a) New graduates of approved apprenticeship programs are exempt from the continuing education requirement for the first renewal cycle.
 - (b) Licensees advancing from journeyman or residential to a higher level of licensure are not exempt from completing the required hours of continuing education.
- (2) Licensees are responsible for maintaining records of completion and submitting certificates to the department upon request.
 - (a) Course completion certificates shall contain the licensee's name, the course title, the date, and a breakdown of the course content (NEC or industry) by credit hour.
 - (b) The department may perform a random audit of licensees' continuing education hours at any time. The department shall determine the percentage to audit based on a statistically relevant sampling of the total number of licensees and the compliance rate of past audits.
 - (c) ~~Basic electric courses or apprentice-level courses are not accepted for continuing education credit.~~
- (3) The department, on behalf of the board, maintains a list of approved continuing education courses. The department shall review and approve continuing education courses and issue an approval number to the course. To gain approval, the department shall verify the following:
 - (a) the course addresses NEC updates or other subjects related to the industry by credit hour;

- (b) the course certificate meets the requirements of (2)(a);
 - (c) the course instructor is a Montana-licensed journeyman or master electrician or the instructor has substantially equivalent credentials; and
 - (d) the licensees' course participation is verifiable online within 30 days of course completion.
- (4) The board shall honor continuing education courses ~~approved by a state which has a reciprocal licensing agreement with the board, or~~ if the department determines that the state's courses are substantially equivalent to the courses approved in this state. The course approval number, date of course, and credit breakdown must appear on the completion certificate.
- (5) Licensees may receive a maximum of eight hours continuing education credit for serving as an instructor for department-approved continuing education courses per year.
- (6) Licensees may receive a maximum of eight hours continuing education credit for serving as an instructor for an approved Montana Registered Apprenticeship Program course per year, as verified by a school administrator or authority.

Authorizing statute(s): 37-1-131, 37-1-319, 37-68-201, MCA

Implementing statute(s): 37-1-131, 37-1-306, 37-1-319, MCA

Reasonable Necessity Statement

It is reasonably necessary to amend the rule to allow instructors of approved continuing education courses and apprenticeship courses to receive credit for their time preparing for and delivering instruction. Instruction of courses requires licensees to review subject matter, and demonstrates current competency in the field. Awarding continuing education credit to instructors acknowledges the professional development inherent in the teaching process.

24.141.2405 PANEL MEMBERS

- (1) The board chair shall assign board members to the screening panel and the adjudication panel. The board chair may replace or reassign panel members, but the panels must be divided as follows:
 - (a) The screening panel shall consist of ~~two~~ three board members, including ~~one journeyman or master electrician~~ two professional members of the board and one public member of the board.

- (b) The adjudication panel shall consist of ~~three~~ two board members, including one journeyman or master electrician member of the board and one public member of the board.
- (2) The screening panel will not consider anonymous complaints.

Authorizing statute(s): 37-1-131, MCA

Implementing statute(s): 2-15-1764, 37-1-307, MCA; [HB 414 (2025)]

Reasonable Necessity Statement

The proposed amendment in (1)(a) is necessary because HB 414, 2025 Mont. Leg. ch. 279, effective October 1, 2025, assigned the review of nonroutine applications for licensure to the screening panel of each licensing board. The proposed amendment in (1)(a) allows the board chair to assign three members to the screening panel due to the screening panel's additional responsibilities assigned by HB 414. Further, the proposed amendment in (1)(a) is necessary to require two professional members on the screening panel because professional members' expertise ensures that applications and disciplinary matters are evaluated in accordance with established professional standards.

The proposed amendment in (1)(b) is necessary because the State Electrical Board is a five-member board under 2-15-1764, MCA. As proposed in amendment (1)(a), three board members shall be assigned to the screening panel and therefore cannot be subsequently assigned to participate in a hearing of the case on the adjudication panel pursuant to 37-1-307(1)(d), MCA.

ADOPT

The rule proposed to be adopted is as follows:

NEW RULE 1 SUBSTANTIAL EQUIVALENCY

- (1) The board adopts and incorporates by reference the 2025 substantial equivalency list for the State Electrical Board publication. The publication is available on the board's website.
- (2) The board intends to review the publication annually. However, failure to review or adopt a new list does not change the effectiveness of the adoption of this rule.

- (3) License applications from individuals licensed in substantially equivalent states are routine applications as to the education, examination, and experience requirements for licensure. Applications may be nonroutine on other bases.

Authorizing statute(s): 37-1-131, MCA

Implementing statute(s): 37-1-304, MCA

Reasonable Necessity Statement

The 2025 Montana Legislature passed HB 246 which was signed by the Governor April 3, 2025, and will become effective October 1, 2025. The bill standardizes substantial equivalency determinations in professional licensing and eliminates duplicative statutory sections regarding equivalency and reciprocity.

While historically available to applicants licensed in other states or jurisdictions, licensure by substantial equivalency has never been consistent among the professional licensing boards and programs. HB 246 creates a standard definition for determining substantial equivalency to be uniformly utilized by all the boards and programs when processing endorsement applications. This will create overall efficiencies in processing endorsement applications and reduce licensing wait times for applicants and employers.

To implement the legislation and further the endorsement licensing process, the board is proposing to adopt NEW RULE 1 (24.141.508). The board has compared current licensure standards of the fifty United States for board licensees and determined those that are substantially equivalent per the definition in 37-1-302, MCA. This new rule will adopt and incorporate by reference the board initial approved list of states having substantially equivalent licensing standards. The list will be published on the board website. The board will analyze other states' licensing standards annually, and update the published list as needed.

REPEAL

The rule proposed to be repealed is as follows:

24.141.504 LICENSURE BY RECIPROCITY OR ENDORSEMENT

Authorizing statute(s): 37-1-131, 37-68-201, MCA

Implementing statute(s): 37-1-304, MCA

Reasonable Necessity Statement

It is reasonably necessary to repeal this rule because it is substantially duplicative of 37-1-304(3), MCA. In addition, the 2025 Montana Legislature passed HB 246 which establishes a standard definition for “substantial equivalency.” The board’s NEW RULE 1 proposes to adopt and incorporate by reference the board’s initial approved list of states having substantially equivalent licensing standards.

Small Business Impact

The board identified contracted electricians as the only class or group of small businesses that will be affected by the proposed rule changes. The board determined that the impact of these rule changes is unlikely to be significant. However, the board determined that any impact of proposed NEW RULE 1 is likely to be positive as the new rule will allow for easier and more efficient licensure for applicants from states with substantially equivalent licenses.

Bill Sponsor Notification

The primary bill sponsors for House Bill 497 were notified on April 15, 2025, and the primary bill sponsors for House Bills 246 and 414 were notified on July 24, 2025, all by electronic mail.

Interested Persons

The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the agency. Persons wishing to have their name added to the list may sign up at dli.mt.gov/rules or by sending a letter to P.O. Box 1728, Helena, Montana 59624 and indicating the program or programs about which they wish to receive notices.

Rule Reviewer

Jennifer Stallkamp

Approval

Sarah Swanson, Commissioner

Approval

Clay Ledbetter, Presiding Officer, State Electrical Board



**MONTANA
ADMINISTRATIVE
REGISTER**



DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-238.1

Summary

Amending license renewals for boards and programs

Hearing Date and Time

Monday, December 15, 2025, at 1:00 p.m.

Virtual Hearing Information

A public hearing will be held via remote conferencing to consider the proposed changes to the agency's rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

Join Zoom Meeting: <https://mt-gov.zoom.us/j/82040184209>

Meeting ID: 820 4018 4209; Password: 6216591185

Dial by Telephone: +1 646 558 8656

Meeting ID: 820 4018 4209; Password: 6216591185

Comments

Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted at dli.mt.gov/rules or P.O. Box 1728, Helena, Montana 59624. Comments must be received by Friday, December 19, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Monday, December 8, 2025, at 5:00 p.m.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

General Reasonable Necessity Statement

It is reasonably necessary to amend this rule to implement House Bills (HB) 225, 239, 438, 502, and 806, and Senate Bills (SB) 319 and 518. HB 225 establishes home inspectors as a license type regulated by a department program, rather than as a registration. HB 239 establishes construction contractor licensing under a department program. HB 438 creates a new board, the Physical, Rehabilitative, and Developmental Health Care Professionals, and repeals the boards of athletic trainers, occupational therapists, physical therapists, and speech-language pathologists and audiologists. HB 502 creates the Allied Health Care Professionals board, and repeals the boards of clinical laboratory scientists, radiologic technologists, and respiratory care providers. HB 806 creates a new dietitian license, distinct from nutritionists. SB 319 creates doula licensure, and SB 518 moves the emergency care provider license types from the Board of Medical Examiners to a department program.

The department is therefore amending this rule to establish frequency of renewal and renewal dates for the new license types, and to reflect the new board names and new programs established by the legislature. When possible, the department is maintaining existing frequency and renewal dates to maintain consistency for licensees.

Rulemaking Actions

AMEND

The rule proposed to be amended is as follows, stricken matter interlined, new matter underlined:

24.101.413 RENEWAL DATES AND REQUIREMENTS

- (1) An existing license ends on the renewal date specified for each profession and occupation listed and must be renewed on or before this date, or the license will lapse, expire, and terminate per 37-1-141, MCA.
- (2) If a timely and sufficient application is submitted before the renewal date, the applicant's continued practice is governed under 2-4-631, MCA. A timely and sufficient application must be:
 - (a) completed;
 - (b) accompanied by other required information or documentation as applicable;
 - (c) accompanied by the appropriate fee; and
 - (d) submitted so that it bears a U.S. Postal Service post mark prior to or on the renewal date for the applicable profession; or
 - (e) submitted by using the online renewal service available on the department's website before 11:59 p.m. Mountain time on the renewal date.
- (3) If the requirements of this rule are not met, a late penalty fee as specified in ARM 24.101.403 is required.
- (4) Renewals for medical practitioners, as defined in 37-2-101, MCA, who also have a dispenser registration through the Board of Pharmacy, pursuant to 37-2-104, MCA, and ARM 24.174.1801, will renew their dispenser registration at the time of renewing their medical practitioner's license.
- (5) The following are renewal dates for the professions and occupations listed:

	BOARD OR PROGRAM JURISDICTION	LICENSE CATEGORY	FREQUENCY	RENEWAL DATE
(a)	<u>Allied Health Care Professionals</u>	<u>Clinical Laboratory Scientist</u>	<u>Annually</u>	<u>May 1</u>
		<u>Clinical Laboratory Specialist</u>	<u>Annually</u>	<u>May 1</u>
		<u>Clinical Laboratory Technician</u>	<u>Annually</u>	<u>May 1</u>
		<u>Limited Permit X-Ray Procedures</u>	<u>Annually</u>	<u>February 1</u>
		<u>Radiologic Technologist</u>	<u>Annually</u>	<u>February 1</u>
		<u>Respiratory Care Practitioner</u>	<u>Annually</u>	<u>May 1</u>

(a)(b)	Alternative Health Care	Acupuncturist	Biennially	October 31
		Naturopathic Physician	Annually	April 30
		Naturopathic Physician - Childbirth	Annually	April 30
		Direct-entry Midwife	Annually	April 30
		Direct-entry Midwife Apprentice	Annually	April 30
(b)(c)	Architects	Architects	Annually	June 30
(c)	Athletic Trainers	Athletic Trainers	Annually	August 31

	BOARD OR PROGRAM JURISDICTION	LICENSE CATEGORY	FREQUENCY	RENEWAL DATE
(d)	Barbers and Cosmetologists	Barber	Biennially	March 1
		Barber Shop	Annually	July 1
		Barber School or College	Annually	March 1
		Barbering Teacher	Biennially	March 1
		Booth Rental	Annually	July 1
		Cosmetologist	Biennially	March 1
		Electrologist	Biennially	March 1
		Esthetician	Biennially	March 1
		Teacher	Biennially	March 1
		Manicurist	Biennially	March 1
		Salon	Annually	July 1
		School or Course	Annually	March 1
(e)	Behavioral Health	Licensed Clinical Professional Counselor	Annually	December 31
		Licensed Clinical Social Worker	Annually	December 31
		Licensed Master's Social Worker	Annually	December 31
		Licensed Baccalaureate Social Worker	Annually	December 31
		Licensed Marriage and Family Therapist	Annually	December 31
		Certified Behavioral Health Peer Support Specialist	Annually	December 31

		Licensed Addiction Counselor	Annually	June 30
		<u>Family Peer Support Specialist</u>	<u>Annually</u>	<u>December 31</u>

	BOARD OR PROGRAM JURISDICTION	LICENSE CATEGORY	FREQUENCY	RENEWAL DATE
(f)	Boiler Operating Engineers	Agriculture Class Boiler Engineer	Annually	April 1
		First Class Boiler Engineer	Annually	April 1
		Low Pressure Boiler Engineer	Annually	April 1
		Second Class Boiler Engineer	Annually	April 1
		Third Class Boiler Engineer	Annually	April 1
		Traction Boiler Engineer	Annually	April 1
(g)	Chiropractors	Chiropractors	Annually	September 1
(h)	Clinical Laboratory Science Practitioners	~~Clinical Laboratory Scientist~~	~~Annually~~	~~May 1~~
		~~Clinical Laboratory Specialist~~	~~Annually~~	~~May 1~~
		~~Clinical Laboratory Technician~~	~~Annually~~	~~May 1~~
~~(h)~~ (h)	Construction Blasters	Construction Blasters	Annually	January 1

	BOARD OR PROGRAM JURISDICTION	LICENSE CATEGORY	FREQUENCY	RENEWAL DATE
(i)	<u>Construction Contractor</u>	<u>Construction Contractor</u>	<u>Biennially</u>	<u>Anniversary Date of License</u>
(j)	Crane and Hoisting Operating Engineers	First Class Crane Operators	Annually	Anniversary Date of License
		Second Class Crane Operators	Annually	Anniversary Date of License

		Third Class Crane Oiler	Annually	Anniversary Date of License
(k)	Dentistry	Dental Hygienist	Annually	March 1
		Dentist	Annually	March 1
		Denturist	Annually	March 1
		General Anesthesia Administration Permit	Annually	March 1
		Volunteer Licensees	Annually	March 1
(l)	<u>Doula</u>	<u>Doula</u>	<u>Annually</u>	<u>May 1</u>
~~(h)~~ (m)	Elevator Program	Contractor	Annually	April 1
		Inspector	Annually	April 1
		Mechanic	Annually	April 1
(n)	<u>Emergency Care Provider</u>	<u>AEMT, EMR, EMT, Paramedic</u>	<u>Biennially</u>	<u>March 31</u>
~~(m)~~ (o)	Fire Prevention and Investigation and Fireworks Wholesalers Program	Company Hiring Entity (Sell, Install and Service)	Annually	May 31
		Individual Endorsement (Sell, Install and Service)	Annually	May 31
		Fireworks Wholesaler	Nonrenewable	

	BOARD OR PROGRAM JURISDICTION	LICENSE CATEGORY	FREQUENCY	RENEWAL DATE
~~(n)~~ (p)	Funeral Service	Crematory	Annually	July 1
		Crematory Operator	Annually	July 1
		Crematory Technician	Annually	July 1
		Mortician	Annually	July 1
		Mortuary	Annually	July 1
		Mortuary Branch Facility	Annually	July 1
~~(o)~~ (q)	Genetic Counselors	Genetic Counselor	Annually	April 1
~~(p)~~ (r)	Hearing Aid Dispenser	Hearing Aid Dispenser	Annually	June 30
(s)	<u>Home Inspector</u>	<u>Home Inspector</u>	<u>Biennially</u>	<u>Anniversary Date of License</u>
~~(q)~~ (t)	Landscape Architects	Landscape Architects	Annually	June 30

~~(r)~~ (u)	Massage Therapy	Licensed Massage Therapist	Annually	August 31
~~(s)~~ (v)	Medical Examiners	~~Emergency Care Provider: AEMT, EMR, EMT, Paramedic~~	~~Biennially~~	~~March 31~~
		<u>Dietitian</u>	<u>Biennially</u>	<u>December 31</u>
		Nutritionist	Biennially	October 31
		Physician	Biennially	March 31
		Physician Assistant	Biennially	October 31
		Podiatrist	Biennially	October 31
		Resident Physician	Annually	June 30

	BOARD OR PROGRAM JURISDICTION	LICENSE CATEGORY	FREQUENCY	RENEWAL DATE
~~(t)~~ (w)	Nursing	Clinical Nurse Specialist	Biennially	December 31
		Nurse Anesthetist	Biennially	December 31
		Nurse Midwife	Biennially	December 31
		Nurse Practitioner	Biennially	December 31
		APRN Prescriptive Authority	Biennially	December 31
		Practical Nurse - Licensed	Biennially	December 31
		Professional Nurse - Registered	Biennially	December 31
		Medication Aide	Annually	March 31
~~(u)~~ (x)	Nursing Home Administrators	Nursing Home Administrator	Annually	December 31
~~(v)~~	Occupational Therapy Practice	~~Occupational Therapist~~	~~Annually~~	~~June 15~~
		~~Occupational Therapist Assistant~~	~~Annually~~	~~June 15~~
~~(w)~~ (y)	Optometry	Optometrist	Annually	July 2

	BOARD OR PROGRAM JURISDICTION	LICENSE CATEGORY	FREQUENCY	RENEWAL DATE
~~(x)~~ (z)	Outfitters	Outfitter	Annually	December 31
		Professional Guide	Annually	December 31
		Guide	Annually	December 31
~~(y)~~ (aa)	Pediatric Complex Care	Pediatric Complex	Biennially	March 31

		Care Assistant		
{z}{ab}	Pharmacy	Dangerous Drug Dispenser/Distributor/Manufacturer Endorsement	Annually	November 30
		Out-of-State Mail Order Pharmacy	Annually	November 30
		Pharmacist	Annually	June 30
		Community and Institutional Pharmacy	Annually	November 30
		Pharmacy Technician	Annually	June 30
		Pharmacy Technician Utilization Plan Endorsement	Annually	November 30
		Telepharmacy Endorsement	Annually	November 30
		Veterinary Retail Facility	Annually	November 30
		Wholesale Distributor	Annually	November 30
(ac)	<u>Physical, Rehabilitative, and Developmental Health Care Professionals</u>	<u>Athletic Trainers</u>	<u>Annually</u>	<u>August 31</u>
		<u>Occupational Therapist</u>	<u>Annually</u>	<u>June 15</u>
		<u>Occupational Therapist Assistant</u>	<u>Annually</u>	<u>June 15</u>
		<u>Physical Therapist</u>	<u>Annually</u>	<u>April 1</u>
		<u>Physical Therapist Assistant</u>	<u>Annually</u>	<u>April 1</u>
		<u>Audiologist</u>	<u>Annually</u>	<u>February 1</u>
		<u>Speech-Language Pathologist</u>	<u>Annually</u>	<u>February 1</u>
		<u>Limited (Speech-Language Pathologist)</u>	<u>Nonrenewable</u>	
		<u>Speech-Language Pathology and Audiology Assistants</u>	<u>Annually</u>	<u>February 1</u>
{aa}	Physical Therapy Examiners	Physical Therapist	Annually	April 1
		Physical Therapist Assistant	Annually	April 1

	BOARD OR PROGRAM JURISDICTION	LICENSE CATEGORY	FREQUENCY	RENEWAL DATE
{ab}{ad}	Plumbers	Journeyman Plumber	Annually	September 1
		Master Plumber	Annually	September 1
		Medical Gas Endorsement	Annually	September 1
{ae}{ae}	Private Security Patrol Officers and Investigators	Private Security Company	Annually	March 1
		Electronic Security Company	Annually	March 1
		Private Investigator	Annually	March 1
		Private Investigator Trainee	Annually	March 1
		Security Guard	Annually	March 1
		Alarm Installer	Annually	March 1
		Firearms Instructor	Annually	March 1
		Armed Status	Annually	

	BOARD OR PROGRAM JURISDICTION	LICENSE CATEGORY	FREQUENCY	RENEWAL DATE
{ad}{af}	Professional Engineers and Professional Land Surveyors	Certificate of Authorization	Annually	October 1
		Engineer Intern	Biennially, as of June 30, 2015	June 30
		Land Surveyor Intern	Biennially, as of June 30, 2015	June 30
		Professional Engineer	Biennially, Even Numbered Years	June 30
		Professional Engineer by Comity	Biennially, Even Numbered Years	June 30
		Professional Land Surveyor	Biennially, Even Numbered Years	June 30
		Professional Land Surveyor by Comity	Biennially, Even Numbered Years	June 30
{ae}{ag}	Property Manager	Property Manager	Annually	October 31
{af}{ah}	Psychologists	Psychologist	Annually	December 31
		Behavior Analyst	Annually	December 31
		Assistant Behavior Analyst	Annually	December 31
{ag}{ai}	Public Accountants	Certified Public Accountant	Annually	December 31

		Licensed Public Accountant	Annually	December 31
		Firm Registration	Annually	December 31

	BOARD OR PROGRAM JURISDICTION	LICENSE CATEGORY	FREQUENCY	RENEWAL DATE
{ah}	Radiologic Technologists	Limited Permit X-Ray Procedures	Annually	February 1
		Radiologic Technologists	Annually	February 1
{ai}{aj}	Real Estate Appraisers	Appraisal Management Company	Annually	October 31
		General Appraiser, Certified	Annually	March 31
		General Appraiser, Certified (Out-of-State)	Annually	March 31
		Licensed Appraiser	Annually	March 31
		Mentor		
		Residential Appraiser, Certified	Annually	March 31
		Residential Appraiser, Certified (Out-of-State)	Annually	March 31
		Trainee	Annually	March 31
{aj}{ak}	Realty Regulation	Real Estate Broker	Annually	October 31
		Real Estate Salesperson	Annually	October 31

	BOARD OR PROGRAM JURISDICTION	LICENSE CATEGORY	FREQUENCY	RENEWAL DATE
{ak}	Respiratory Care Practitioners	Respiratory Care Practitioners	Annually	May 1
{al}	Sanitarians	Sanitarians	Annually	June 30
{am}	Speech-Language Pathologists and Audiologists	Audiologist	Annually	February 1
		Speech-Language Pathologist	Annually	February 1
		Limited (Speech-Language)	Nonrenewable	-

		Pathologist)		
		Speech-Language Pathology and Audiology Assistants	Annually	February 1
(an)(am)	State Electrical Board	Electrical Contractor	Biennially, Even Numbered Years	July 15
		Journeyman Electrician	Biennially, Even Numbered Years	July 15
		Master Electrician	Biennially, Even Numbered Years	July 15
		Residential Electrician	Biennially, Even Numbered Years	July 15

	BOARD OR PROGRAM JURISDICTION	LICENSE CATEGORY	FREQUENCY	RENEWAL DATE
(ao)(an)	Veterinary Medicine	Euthanasia Agency	Annually	May 30
		Embryo Transfer Technician	Annually	November 1
		Euthanasia Technician	Annually	May 30
		Veterinarian	Annually	November 1
		Veterinary Dispensing Technician	Annually	November 1
		Veterinary Technician	Annually	November 1

(6) The following are nonrenewable licenses:

- (a) temporary licenses issued by a licensing entity unless that licensing entity's rules provide otherwise;
- (b) fireworks wholesalers;
- (c) real estate appraiser mentors;
- (d) pharmacist intern;
- (e) limited speech-language pathologists.

- (7) The specific date by which each individual licensee is required to renew by can be obtained by contacting the licensing entity's office or by using the licensee lookup system available on the department's web site.

Authorizing statute(s): 37-1-101, 37-1-141, MCA

Implementing statute(s): 37-1-101, 37-1-141, MCA

Small Business Impact

This amendment is expected to impact individuals licensed by the Department of Labor and Industry or its attached boards, in particular, new license types which are proposed to be included—douglas, home inspectors, and construction contractors. However, there is no significant and direct impact expected by this proposed rulemaking, which merely sets forth the schedule for licensees to renew their licenses.

Bill Sponsor Notification

The bill sponsor contact requirements do not apply.

Interested Persons

The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the agency. Persons wishing to have their name added to the list may sign up at dli.mt.gov/rules or by sending a letter to P.O. Box 1728, Helena, Montana 59624 and indicating the program or programs about which they wish to receive notices.

Rule Reviewer

Quinlan L. O'Connor

Approval

Sarah Swanson, Commissioner



**MONTANA
ADMINISTRATIVE
REGISTER**

**BOARD OF PSYCHOLOGISTS
DEPARTMENT OF LABOR AND INDUSTRY**

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-361.1

Summary

Implementation of House Bill 246 pertaining to substantial equivalency

Hearing Date and Time

Tuesday, December 16, 2025, at 2:00 p.m.

Virtual Hearing Information

A public hearing will be held via remote conferencing to consider the proposed changes to the agency's rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

Join Zoom Meeting: <https://mt-gov.zoom.us/j/88460970500>

Meeting ID: 884 6097 0500; Password: 5585953341

Dial by Telephone: +1 646 558 8656

Meeting ID: 884 6097 0500; Password: 5585953341

Comments

Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted at dli.mt.gov/rules or P.O. Box 1728, Helena, Montana 59624. Comments must be received by Friday, December 19, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Tuesday, December 9, 2025, at 5:00 p.m.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

Rulemaking Actions

ADOPT

The rule proposed to be adopted is as follows:

NEW RULE 1 SUBSTANTIAL EQUIVALENCY

- (1) The board adopts and incorporates by reference the 2025 Board of Psychology substantial equivalency list for board publication.
- (2) The board intends to review the publication annually. However, failure to review or adopt a new list does not change the effectiveness of the adoption in this rule.
- (3) License applications from individuals licensed in substantially equivalent states are routine applications as to the education, examination, and experience requirements for licensure. Applications may be nonroutine on other bases.

Authorizing statute(s): 37-1-131, MCA

Implementing statute(s): 37-1-304, MCA

Reasonable Necessity Statement

The 2025 Montana Legislature passed House Bill (HB) 246 which was signed by the Governor April 3, 2025, and became effective October 1, 2025. The bill standardizes substantial equivalency determinations in professional licensing and eliminates duplicative statutory sections regarding equivalency and reciprocity.

While historically available to applicants licensed in other states or jurisdictions, licensure by substantial equivalency has never been consistent among the professional licensing boards and programs. HB 246 creates a standard definition for determining substantial equivalency to be uniformly utilized by all the boards and programs when processing endorsement applications. This will create overall efficiencies in processing endorsement applications and reduce licensing wait times for applicants and employers.

To implement the legislation and further the endorsement licensing process, the board is proposing to adopt NEW RULE 1. The board has compared current licensure standards of the fifty United States for board-issued licensees and determined those that are substantially equivalent per the definition in 37-1-302, MCA. This new rule will adopt and incorporate by reference the board's initial approved list of states having substantially equivalent licensing standards. The list will be published on the board's website. The board will analyze other states' licensing standards annually, and update the published list as needed.

Small Business Impact

Pursuant to 2-4-111, MCA, the Montana small businesses that will probably be affected by the proposed adoption of NEW RULE 1 are private psychologist practices. The board has determined that the proposed rule changes will have a positive impact on these small businesses.

Bill Sponsor Notification

The primary bill sponsor was contacted on August 26, 2025, by electronic mail.

Interested Persons

The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the agency. Persons wishing to have their name added to the list may sign up at dli.mt.gov/rules or by sending a letter to P.O. Box 1728, Helena, Montana 59624 and indicating the program or programs about which they wish to receive notices.

Rule Reviewer

Quinlan L. O'Connor

Approval

Sarah Swanson, Commissioner

Approval

Jackie Mohler, Chair, Board of Psychologists



MONTANA
ADMINISTRATIVE
REGISTER

BOARD OF MEDICAL EXAMINERS
DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-446.1

Summary

Implementation of Senate Bill 518 pertaining to the transfer of emergency medical providers

Hearing Date and Time

Wednesday, December 17, 2025, at 2:00 p.m.

Virtual Hearing Information

A public hearing will be held via remote conferencing to consider the proposed changes to the agency's rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

Join Zoom Meeting: <https://mt-gov.zoom.us/j/81386394648>

Meeting ID: 813 8639 4648; Password: 2610548028

Dial by Telephone: +1 646 558 8656

Meeting ID: 813 8639 4648; Password: 2610548028

Comments

Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted at dli.mt.gov/rules or P.O. Box 1728, Helena, Montana 59624. Comments must be received by Friday, December 19, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Wednesday, December 10, 2025, at 5:00 p.m.

Contact

Department of Labor and Industry
(406) 444- 5466
laborlegal@mt.gov
Montana Relay: 711

General Reasonable Necessity Statement

The 2025 Montana Legislature passed Senate Bill (SB) 518 which was signed by the Governor on May 5, 2025, and will become effective January 1, 2026. The bill transferred oversight of the emergency care provider license from the board to the department. The proposed rules will become effective on January 1, 2026.

Although the proposed amendments to the rules remain under the jurisdiction of the board, they currently contain references to the emergency care provider license, which the board no longer regulates. Amending these rules to remove references to the emergency care provider license is necessary to ensure regulatory clarity, eliminate confusion for licensees, and align the board's administrative rules with current statutory authority. Emergency care provider licensing types include emergency medical responders, emergency medical technicians, advanced emergency medical technicians, and paramedics.

Rulemaking Actions

AMEND

The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

24.156.403 DEFINITIONS AND ABBREVIATIONS

- (1) As used in this chapter, the following terms are defined:
 - (a) "Act" means the statutory provisions governing the licensee's scope of practice.

- (b) "Applicant" means a person who has applied to take a licensing examination in Montana or who has applied for licensure in Montana.
- (c) "Board" means the Board of Medical Examiners created by 2-15-1731, MCA.
- (d) "Foreign medical graduate" means a graduate of a medical school that is listed in the World Health Directory of Medical Schools but is not located in a state or territory of the United States or the District of Columbia.
- (e) "Health corps physician" means a physician who has applied to participate in the health corps and completed the registration requirements set by the board.
- (f) "Intern," "in post-graduate year 1" or "PGY-1" means a person who:
 - (i) has graduated from an approved medical school;
 - (ii) is enrolled in a training program approved for first year post-graduates;
 - (iii) has passed USMLE Steps 1 and 2 or the AOA equivalent or holds a certificate from the ECFMG; and
 - (iv) is preparing for or awaiting the results of USMLE Step 3 or the AOA equivalent.
- (g) "Licensee" means the current holder of an active license issued by the board.
- (h) "Medical director" means a physician or physician assistant who holds a current unrestricted Montana license and is professionally and legally responsible for training, providing medical direction, and oversight of licensed ECPs under the medical director's supervision.
- ~~(h)(i)~~ (i) "Medical student" means a person currently enrolled in or who has graduated from an approved medical school who has not yet entered PGY-1.
- ~~(i)~~ "Paramedic" means a level of emergency care provider as established in 50-6-202, MCA.
- (j) "Postgraduate clinical experience" means the delivery of health care directly to patients, after licensure as a physician assistant, pursuant to a collaborative agreement with a physician or physician assistant.
- (k) "Resident" means a person who:
 - (i) has the degree of medical doctor or doctor of osteopathy from an approved medical school;
 - (ii) is in post-graduate year 2 (PGY-2) or above;
 - (iii) has either completed the USMLE Steps 1 and 2 or the AOA equivalent or holds a certificate from the ECFMG; and

- (iv) is enrolled in an approved residency program.
- (l) "Retired," applicable to the Montana Health Corps Act, means no longer maintaining a private, institutional, or governmental practice for the purposes of monetary remuneration within the United States. Occasional locum tenens work for monetary remuneration will not disqualify a physician from retired status.
- (m) "Standards of dietetic practice" means Academy of Nutrition and Dietetics Standards of Practice in Nutrition Care and Standards of Professional Performance for Registered Dietitian Nutritionists and the Academy of Nutrition and Dietetics/Commission on Dietetic Registration Code of Ethics for the Nutrition and Dietetics Profession.
- (n) "Supervision" may be of the following types:
 - (i) "Direct supervision" means the supervisor is physically present with the person being supervised;
 - (ii) "On-site supervision" means the supervisor must be in the facility and quickly available to the person being supervised.
- (o) "Surgery" means any procedure in which human tissue is cut or altered by mechanical or energy forms, including electrical or laser energy or ionizing radiation.
- (2) As used in this chapter, the following abbreviations are identified:
 - ~~(a)~~ "AEMT" means a licensed advanced emergency medical technician.
 - ~~(b)~~(a) "ABMS" means the American Board of Medical Specialties.
 - ~~(c)~~(b) "ACGME" means the Accreditation Council for Graduate Medical Education.
 - ~~(d)~~(c) "AOA" means the American Osteopathic Association.
 - ~~(e)~~(d) "CIHC" means community-integrated health care, as defined under 37-3-102, MCA.
 - ~~(f)~~(e) "ECFMG" means the Educational Commission for Foreign Medical Graduates.
 - ~~(g)~~(f) "ECP" means a licensed emergency care provider.
 - ~~(h)~~ "EMR" means a licensed emergency medical responder.
 - ~~(i)~~ "EMS" means a licensed emergency medical service.
 - ~~(j)~~ "EMT" means a licensed emergency medical technician.
 - ~~(k)~~(g) "NPDB" means the National Practitioner Databank established by Public Law 99-660 (42 U.S.C. 11101, et seq.).

- (l) ~~"NREMT" means the National Registry of Emergency Medical Technicians.~~
- ~~(m)~~(h) "USDOT" means the United States Department of Transportation.
- ~~(n)~~(i) "USMLE" means the United States Medical Licensing Examination or its successor.

Authorizing statute(s): 37-1-131, 37-3-203, 37-3-301, 37-3-802, 37-13-201, 37-25-201, ~~50-6-203~~, MCA

Implementing statute(s): 37-1-131, 37-3-102, 37-3-201, 37-3-203, 37-3-301, 37-3-305, 37-3-307, 37-3-325, 37-3-326, 37-3-802, 37-3-804, 37-13-201, 37-13-302, 37-25-201, 37-25-302, ~~50-6-101, 50-6-105, 50-6-201, 50-6-202, 50-6-203, 50-6-301, 50-6-302~~, MCA

Reasonable Necessity Statement

The proposed amendment is necessary to remove reference to emergency care provider licensing related definitions. The board no longer regulates the definitions associated with emergency care provider licensing following the passage of SB 518 by the 2025 Montana Legislature. Emergency care provider licensing types include emergency medical responders, emergency medical technicians, advanced emergency medical technicians, and paramedics.

24.156.405 UNPROFESSIONAL CONDUCT

- (1) It is unprofessional conduct for a licensee or applicant to violate any statute, rule, or standard of care governing their scope of practice.
- (2) In addition, the following is unprofessional conduct:
 - (a) failure to cooperate in any investigation of the board or to provide any information requested by the board or its agents;
 - (b) failure to report to the board within thirty days from the date of a final judgment, order, or agency action, all information related to malpractice, misconduct, criminal, or disciplinary action in which the licensee or applicant is a party;
 - (c) abusive billing practices;
 - (d) testifying in court on a contingency basis;
 - (e) administering, dispensing, prescribing, ordering, or otherwise diverting a controlled substance as defined by the federal Food and Drug Administration

or its successors, otherwise than in the course of legitimate or reputable professional practice;

- (f) regarding patient records, to fail to:
 - (i) appropriately secure records;
 - (ii) appropriately document patient care; or
 - (iii) transfer records to another licensed health care provider, the patient, or the patient's representative when requested to do so by the patient or the patient's legally designated representative;
- (g) termination of an existing relationship with a patient for whatever reason without verifiable written notice prior to terminating the relationship, and sufficiently far in advance to allow other medical care to be secured;
- (h) sexual abuse, sexual misconduct, or sexual exploitation by the licensee, whether or not related to the licensee's practice;
- (i) failure to supervise, appropriately direct, or train individuals under the licensee's supervision according to applicable law, rule, or standards;
- (j) failure to comply with an agreement entered into by the licensee with the medical assistance program;
- (k) for physician assistants with fewer than 8,000 hours of postgraduate clinical experience, practicing without a collaborative agreement meeting the requirements of 37-20-203, MCA;
- (l) while under investigation or during a pending complaint, in Montana or elsewhere, but prior to a determination:
 - (i) withdrawing an application for licensure, certification, or registration; or
 - (ii) voluntarily relinquishing or surrendering of professional or occupational license, certification, registration, or privileges;
- (m) engaging in practice under a license issued by the board as the partner, agent, or employee of, or in joint venture with, a person who does not hold an equivalent license for practice. However, this rule does not prohibit:
 - (i) the incorporation of an individual licensee or group of licensees as a professional service corporation under Title 35, chapter 4, MCA, a professional limited liability company under Title 35, chapter 8, MCA, or a professional limited liability partnership under Title 35, chapter 10; or
 - (ii) practicing medicine as the partner, agent, or employee of, or in joint venture with, a licensed health care facility or other licensed health care provider; however:

- (A) there must be a written agreement that the relationship may not affect the independent judgment of the licensee;
- (B) the independent judgment of the licensee must, in fact, not be affected by the relationship; and
- (C) the licensee may not be required to refer any patient to a particular provider or supplier or take any other action that the physician or physician assistant determines not to be in the patient's best interest;
- (n) for physicians and physician assistants, involuntary loss of or failure to report to the board any involuntary loss of privileges, which exceeds 30 days, within 30 days;
- (o) when used, failure to maintain a collaborative practice agreement meeting the requirements of 37-20-203, MCA;
- ~~(p) for emergency care providers, violation of facility patient care policy or procedure while providing services in a health care facility.~~

Authorizing statute(s): 37-1-131, 37-1-319, 37-3-202, 37-6-106, 37-13-201, 37-25-201, ~~50-6-203~~, MCA

Implementing statute(s): 37-1-131, 37-1-316, 37-1-319, 37-3-323, 37-3-401, 37-3-405, 37-6-311, 37-25-201, ~~50-6-203~~, MCA

Reasonable Necessity Statement

The proposed amendment is necessary to remove reference to unprofessional conduct that relates specifically to emergency care provider licensees. The board no longer regulates the unprofessional conduct or discipline of emergency care providers following the passage of SB 518 by the 2025 Montana Legislature.

24.156.409 FEE SCHEDULE

- (1) Initial and active license renewal application fees:
 - (a) Physician license application fee \$375
 - (b) Physician letter of qualification for interstate compact 300
 - (c) Resident 75
 - (d) Podiatrist 375

(e)	Podiatrist ankle surgery certification	75
(f)	Nutritionist	75
~~(h)~~ (g)	Physician assistant	375
(i)	~~Emergency medical responder~~	20
(j)	~~Emergency medical technician~~	35
(k)	~~Advanced emergency medical technician~~	55
(l)	Paramedic	75
~~(m)~~	~~Emergency care provider endorsement per submission~~	10
~~(A single submission may include multiple endorsement applications from a single applicant.)~~		
(2)	Inactive status license renewal application fees:	
(a)	Physician	190
(b)	Podiatrist	190
(c)	Physician assistant	115
(3)	Inactive to active status conversion fees:	
(a)	Physician	185
(b)	Podiatrist	185
(c)	Physician assistant	75
(4)	Montana Health Corps Registration	25
(5)	Additional standardized fees to be charged are specified in ARM 24.101.403.	
(6)	All fees are nonrefundable.	

Authorizing statute(s): 37-1-134, 37-3-203, 37-3-307, 37-3-308, 37-3-356, 37-3-802, 37-3-804, 37-6-106, 37-20-202, 37-25-201, ~~50-6-203~~, MCA

Implementing statute(s): 37-1-134, 37-1-141, 37-3-305, 37-3-307, 37-3-308, 37-3-309, 37-3-313, 37-3-356, 37-3-804, 37-6-302, 37-20-302, 37-25-302, ~~50-6-203~~, MCA

Reasonable Necessity Statement

The proposed amendment is necessary to remove reference to emergency care provider licensing fees. The board no longer regulates the fees associated with emergency care provider licensing types following the passage of SB 518 by the 2025 Montana Legislature.

TRANSFER AND AMEND

The rules proposed to be transferred and amended are as follows, stricken matter interlined, new matter underlined:

24.156.2732 (24.156.425) MEDICAL DIRECTION

- (1) Within 60 days of taking on the responsibilities of providing medical oversight as a medical director to an individual or group of ECPs, a physician or physician assistant shall:
 - (a) notify the board they are providing medical direction to ECPs on a form provided by the board; and
 - (b) provide proof of completion of a board-approved medical director training program or a board-approved exemption from the training on a form provided by the board.
- (2) The medical director shall be responsible for the overall medical care provided by the ECPs for whom the director agrees to provide medical oversight.
- (3) The medical director overseeing an ECP may grant or restrict the ECP's practice or utilization of any endorsement.
- (4) The medical director must maintain and have access to records of all ECPs for whom the director provides medical oversight. These records must document:
 - (a) the name, address, and current Montana licensure of the ECP, including any endorsements;
 - (b) date when medical oversight began and at what level the ECP is authorized to practice; and
 - (c) any changes to limit or approve the ECP's authorization to function at the ECP's current licensure level including endorsement(s).
- (5) The medical director must develop a process to continuously meet the applicable standard of medical practice and patient care. This process may include regular review of patient care reports (PCR), direct observation of care, skills demonstrations, and ongoing involvement in ECP education. Documentation of these activities must be maintained by the medical director.

- (6) The medical director is responsible for assessing competency of skills required for endorsements held by ECPs under the medical director's supervision and shall sign an affidavit stating such competence as required under ARM ~~24.156.2718~~ [24.112.2101].
- (7) A medical director may assign duties where appropriate, but retains the responsibility for all assigned duties. This includes delegation of:
 - (a) local offline medical direction responsibilities to another unrestricted Montana licensed physician or physician assistant; and
 - (b) maintenance of records required under (4).
- (8) The medical director will approve and review the offering of online medical control which must be provided by any unrestricted Montana licensed physician or physician assistant who has been contacted for this purpose.
- (9) A medical director shall provide written notice to the ECP and the board upon discontinuing medical oversight.
- (10) The medical director shall be responsible for and approve a system to assure the inventory, storage, and security of all the medications utilized by the ECPs to whom the medical director provides medical oversight. The medical director may delegate the day-to-day duties where appropriate but retains overall responsibility.
- (11) A medical director may not unilaterally alter a patient care plan developed by a physician, PA, or APRN for care provided by an ECP with a CIHC endorsement.

Authorizing statute(s): 37-3-203, ~~50-6-203~~, MCA

Implementing statute(s): 37-3-102, 37-3-203, 50-6-101, 50-6-105, 50-6-201, ~~50-6-202~~, ~~50-6-203~~, 50-6-301, 50-6-302, MCA

Reasonable Necessity Statement

The proposed transfer and amendment is necessary to transfer the rule into the board's general provisions subchapter as medical direction applies to both physician and physician assistant license type. Although the board no longer regulates rules regarding emergency care provider licensing, the board licenses physicians and physician assistants which may provide medical oversight as a medical director to emergency care providers.

The amendment in (6) updates the reference to reflect the correct location of the rule, which will be transferred to the department from the board. The proposed transfer of the emergency care provider rules is outlined in MAR Notice No. 2025-149.1.

Small Business Impact

Pursuant to 2-4-111, MCA, the Montana small businesses that will probably be affected by the proposed amendments are emergency rooms, ambulance services, and emergency services, and there are no changes to any requirements of those businesses. The board has determined that the proposed rule changes will not create a significant and direct impact on these small businesses.

Bill Sponsor Notification

The bill sponsor contact requirements do not apply.

Interested Persons

The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the agency. Persons wishing to have their name added to the list may sign up at dli.mt.gov/rules or by sending a letter to P.O. Box 1728, Helena, Montana 59624 and indicating the program or programs about which they wish to receive notices.

Rule Reviewer

Jennifer Stallkamp

Approval

Sarah Swanson, Commissioner

Approval

Ashleigh Magill, M.D., Chair, Board of Medical Examiners



**MONTANA
ADMINISTRATIVE
REGISTER**



DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-473.1

Summary

Repeal of ARM Title 24, chapter 5 pertaining to the Workers' Compensation Court

Hearing Date and Time

Tuesday, December 16, 2025, at 9:00 a.m.

Virtual Hearing Information

A public hearing will be held via remote conferencing to consider the proposed changes to the agency's rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

Join Zoom Meeting: <https://mt-gov.zoom.us/j/87450714374>

Meeting ID: 874 5071 4374; Password: 6022510578

Dial by Telephone: +1 646 558 8656

Meeting ID: 874 5071 4374; Password: 6022510578

Comments

Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted at dli.mt.gov/rules or P.O. Box 1728, Helena, Montana 59624. Comments must be received by Friday, December 19, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Tuesday, December 9, 2025, at 5:00 p.m.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

General Reasonable Necessity Statement

There is reasonable necessity for this rulemaking due to House Bill (HB) 516. The Workers' Compensation Court (court) has been attached to the Department of Labor and Industry (department) for administrative purposes. As a result of that attachment, the court promulgated procedural rules under the auspices of the department, utilizing the authority set forth in 2-4-201, MCA. HB 516, effective July 1, 2025, effectuated a transfer of the court from the Executive Branch to the Judiciary. Section 2-4-201, MCA, does not apply to the Judiciary. See 2-3-102 and 2-4-102, MCA. Furthermore, the department is without authority to adopt administrative rules governing the operations of the Judiciary. As such, the rules currently set forth in ARM Title 24, chapter 5 no longer have statutory authority and are void by operation of law. The rules are proposed to be repealed to clean up and eliminate non-operative administrative rules. The Workers' Compensation Court will adopt procedural rules under its own authority.

Rulemaking Actions

REPEAL

The rules proposed to be repealed are as follows:

24.5.101 ORGANIZATIONAL RULE

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, MCA

24.5.301 PETITION FOR TRIAL

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, 39-71-2905, MCA

24.5.302 RESPONSE TO PETITION

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.303 SERVICE AND FILING

Authorizing statute(s): 2-4-201, 39-71-2901, 39-71-2903, 39-71-2905, MCA

Implementing statute(s): 2-4-201, 39-71-2901, 39-71-2903, 39-71-2905, MCA

24.5.305 NATURE OF RULES

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.306 BREVITY IN PLEADINGS AND FORM OF PAPER PRESENTED FOR FILING

Authorizing statute(s): 2-4-201, 39-71-2901, MCA

Implementing statute(s): 2-4-201, 39-71-2901, 39-71-2905, 39-71-2914, MCA

24.5.307 THIRD-PARTY PRACTICE

Authorizing statute(s): 2-4-201, 39-71-2401, 39-71-2901, 39-71-2903, 39-71-2905, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.308 JOINING THIRD PARTIES

Authorizing statute(s): 2-4-201, 39-71-2401, 39-71-2901, 39-71-2903, 39-71-2905, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.309 INTERVENTION

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.310 TIME AND PLACE OF TRIAL GENERALLY

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.311 EMERGENCY TRIALS

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.314 ADJUDICATION OF INTERIM BENEFIT CLAIMS UNDER 39-71-610, MCA

Authorizing statute(s): 2-4-201, 39-71-610, 39-71-2901, 39-71-2903, 39-71-2905, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.315 PRETRIAL IDENTIFICATION OF WITNESSES AND EXHIBITS

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.316 MOTIONS

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.317 MEDICAL RECORDS

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.318 PRETRIAL CONFERENCE, PRETRIAL ORDER, AND EXHIBITS

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.319 AMENDED PLEADINGS

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.320 COMPUTATION OF TIME

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.322 DEPOSITIONS

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.323 INTERROGATORIES

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.324 REQUEST FOR PRODUCTION

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.325 LIMITING DISCOVERY

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.326 FAILURE TO MAKE DISCOVERY--SANCTIONS

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.327 DEFAULT

Authorizing statute(s): 2-4-201, 39-71-2901, 39-71-2903, 39-71-2905, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.329 SUMMARY JUDGMENT

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.330 REQUESTS TO VACATE, PUT IN ABEYANCE, OR RESET TRIAL

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.331 SUBPOENA

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.332 CONDUCT OF TRIAL

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.333 INFORMAL DISPOSITION

Authorizing statute(s): Sec. 2-4-201, MCA

Implementing statute(s): Sec. 2-4-201, 39-71-2901, MCA

24.5.334 SETTLEMENT CONFERENCE OR MEDIATION

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.335 BENCH RULINGS

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.336 TRIAL BRIEFS AND PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.337 MOTION FOR RECONSIDERATION

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.340 MASTERS AND EXAMINERS-PROCEDURE-RECOMMENDATIONS FOR BENCH ORDERS

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.342 TAXATION OF COSTS

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.343 ATTORNEY FEES

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.344 PETITION FOR NEW TRIAL AND/OR REQUEST FOR AMENDMENT TO FINDINGS OF FACT AND CONCLUSIONS OF LAW

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.345 WRIT OF EXECUTION

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.346 STAY OF JUDGMENT PENDING APPEAL

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.348 CERTIFICATION OF DECISIONS, APPEALS TO SUPREME COURT

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, 39-71-2904, MCA

24.5.349 RULES COMPLIANCE

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.350 APPEALS TO WORKERS' COMPENSATION COURT UNDER TITLE 39, CHAPTERS 71 AND 72, MCA

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.351 DECLARATORY RULINGS

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.352 REFERENCE TO MONTANA RULES OF CIVIL PROCEDURE

Authorizing statute(s): 2-4-201, 39-71-2901, 39-71-2903, 39-71-2905, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.353 WITHDRAWAL OF ATTORNEY

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, 39-71-2901, MCA

24.5.360 REVIEW

Authorizing statute(s): 2-4-201 MCA

Implementing statute(s): 2-4-201, 39-71-2901 MCA

Small Business Impact

This rulemaking will impact those who practice before the Workers' Compensation Court. However, because the department is without authority to promulgate rules governing the court, the impact is de minimis.

Bill Sponsor Notification

The sponsor of House Bill 516 was contacted by e-mail on October 16, 2025.

Interested Persons

The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the agency. Persons wishing to have their name added to the list may sign up at dli.mt.gov/rules or by sending a letter to P.O. Box 1728, Helena, Montana 59624 and indicating the program or programs about which they wish to receive notices.

Rule Reviewer

Quinlan L. O'Connor

Approval

Sarah Swanson, Commissioner



**MONTANA
ADMINISTRATIVE
REGISTER**



DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-304.1

Summary

Proposed New Rules and Rule Amendments to Implement Alcoholic Beverage Industry Legislation Enacted by the 69th Montana Legislature Under House Bills 123 (HB 123), 211 (HB 211), 491 (HB 491), and 882 (HB 882)

Hearing Date and Time

Monday, December 15, 2025, at 11:00 a.m.

Hearing Information

Third Floor Reception Area Conference Room of the Sam W. Mitchell Building, located at 125 North Roberts, Helena, Montana

Comments

Comments may be submitted using the contact information below. Comments must be received by Monday, December 22, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Friday, November 28, 2025, at 5:00 p.m.

Contact

Todd Olson, Rule Reviewer - Department of Revenue, Legal Services Office
(406) 444-7905
todd.olson@mt.gov

Rulemaking Actions

AMEND

The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

42.12.101 APPLICATION FOR LICENSE

- (1) All applications for licenses to sell, manufacture, or distribute alcoholic beverages shall be made to the department upon forms supplied by the department or through the department's licensing portal. An abbreviated application may be used for license modifications as specified in ARM 42.12.118. In all other cases, the application process specified below shall be followed.
- (2) Applications for licenses shall be in the names of all persons who will have an ownership interest in the business to be operated under the license, as required in 16-4-401, MCA.
- (3) In addition to the license application, as applicable, the applicant shall submit:
 - (a) any processing fees required by ARM 42.12.111 and the license fee required by 16-4-420 or 16-4-501, MCA;
 - (b) a copy of the proposed agreement to transfer an ownership interest;
 - (c) proof that the applicant has possessory interest in the premises;
 - (d) any source of funding documents including, but not limited to, loan documents, gifting statements, and finance institution statements;
 - (e) the premises floor plan, which for all license types includes accurate dimensions of the premises, the licensee or applicant's name, alcoholic beverage license number, physical address, and submission date, plus:
 - (i) for a retail license, illustrates all service areas, stationary drink preparation areas, self-pour devices, storage areas, patios/decks, doors, hallways, stairways, perimeter barriers, drive-through windows, and permanent floor-to-ceiling walls required between the premises and another business;

- (ii) for a distributor license, illustrates one or more permanent floor-to-ceiling walls required between the premises and another licensed alcoholic beverage business;
 - (iii) for a winery, brewery, or distillery license, identifies all manufacturing areas, storage areas, and as applicable: sample room, drink preparation areas, patios/decks, doors, hallways, stairways, perimeter barriers, drive-through windows, and permanent floor-to-ceiling walls required between the premises and another licensed alcoholic beverage business, except as otherwise provided in 16-3-311(8) and (9), MCA; or
 - (iv) for a colocated license, the respective manufacturing and retail areas are clearly marked with the floor plan criteria provided in (i) and (iii), as applicable, for both licenses.
- (f) bank account authorization and signature documents;
- (g) proof of assumed business name;
- (h) ~~proof that all filings and payments related to Montana income, corporation, withholding, business, and other taxes are current~~ a tax certificate issued by the department under ARM 42.2.402 for the applicant and any individual of the applicant who must meet the requirements of 16-4-401(2)(a), MCA;
- (i) two complete sets of fingerprints and a personal history statement for each person identified in 16-4-414, MCA, and ARM 42.12.212;
- (j) for any entity applicant:
 - (i) formation documents such as articles of organization, articles of incorporation, or registration/certificate of partnership. Foreign (non-Montana) entities are also required to provide proof of registration or certificate of authority issued by the Montana Secretary of State;
 - (ii) stock certificates or other unit ownership certificates that evidence underlying ownership of the entity, as applicable;
 - (iii) stock ledger or entity ownership register;
 - (iv) bylaws, operating agreement(s), partnership agreement(s), as applicable; and
 - (v) organizational meeting minutes, initial resolutions of shareholders, members, partners, as applicable; and
- (k) any other documents the department deems reasonably necessary to reach a final decision.
- (4) At any time during the application process, an applicant must notify the department of any changes in the information and documents submitted under (3) and

promptly provide the department with any corrected or updated information or documents. The department will toll the processing time of the applicant's license application in accordance with 16-4-402, MCA, until the corrected or updated documents are received.

- (5) An applicant who does not have a premises ready to operate may apply for an available license pursuant to 16-4-417, MCA. The applicant must electronically apply for the license through the department's licensing portal and submit any applicable information under (3) for the department to review the application. A license issued without an approved premises will be automatically placed on nonuse status by the department.
- (6) The department shall determine whether a complete application has been submitted. If a complete application has been submitted, the department shall arrange an investigation of the application and, if applicable, publish the notice of application for a license required by 16-4-207, MCA.
- (7) Failure of a licensee to fulfill the requirements of 16-4-417, MCA, shall subject the license to revocation.
- (8) The department may waive an application requirement set forth in this rule in its sole discretion.
- (9) The disqualification of any applicant to hold the license disqualifies all.
- (10) The department may issue a license in its sole discretion. A licensee remains bound by all requirements in statute and rule that apply at the time an application for license or an application for renewal is approved.

Authorizing statute(s): 16-1-303, MCA

Implementing statute(s): 16-3-311, 16-4-105, 16-4-201, 16-4-204, 16-4-207, 16-4-210, 16-4-401, 16-4-402, 16-4-414, 16-4-417, 16-4-420, 16-4-501, 16-4-502, MCA

Reasonable Necessity Statement

As an extension of HB 123 and the department's proposal in NEW RULE 2(2), the department proposes to amend ARM 42.12.101(3)(e)(i) to require inclusion of self-pour devices on the floor plan for the licensed premises so the department and the Department of Justice know of the device locations, for compliance purposes, which may be shared with local law enforcement.

The department also proposes to amend (3)(h) to reflect simplification of the tax certificate process in ARM 42.2.402, adopted by the department's Business and Income Tax Division under MAR Notice No. 42-1082, and in response to stakeholder feedback.

Lastly, the department proposes to amend the implementing statutes for the rule to meet the requirements of 2-4-305, MCA.

42.12.106 DEFINITIONS

The following definitions apply to this chapter:

- (1) "Adjacent to," with regard to alcoholic beverage advertising limitations for premises suitability, means:
 - (a) the premises share a common internal or external wall with the building at issue; or
 - (b) there is an absence of another building between the premises and the building at issue; and
 - (c) the distance between the nearest exterior wall of the premises and the building at issue is equal to or less than 100 feet.
- (2) "Affiliation" means relationships wherein:
 - (a) an entity owns or controls another entity;
 - (b) entities are under common ownership or control; or
 - (c) an individual has decision-making authority or influence over business decisions for another entity.
- (3) "Alteration" means a structural change or modification to the premises other than a cosmetic change. Examples include adding a patio/deck or removing a half wall.
- (4) "Associated business" means a business that is not licensed by the state to keep or sell alcoholic beverages, but has an alcoholic beverages licensed business located within or on the premises owned or controlled by the "associated business." Examples of associated businesses are:
 - (a) a hotel that is not licensed to keep or sell alcoholic beverages, but leases space in the hotel to a licensee to sell alcoholic beverages; or
 - (b) a shopping mall that is not licensed to keep or sell alcoholic beverages, but leases space in the mall to a licensee to sell alcoholic beverages.
- (5) "Bona fide sale" means a transaction that completely transfers the property to a qualified purchaser for consideration.
- (6) "Building" means an enclosed structure with external walls and a roof that meets the requirements of 16-3-311, MCA. Buildings connected by skyways are not considered one building for licensing purposes.

- (7) "Business directly related to the on-premises consumption of alcoholic beverages" means a business that is readily associated with on-site alcoholic beverage consumption, such as a hotel, bowling alley, casino, or restaurant. It does not include alcoholic beverage manufacturers, grocery stores, or off-premises alcoholic beverage businesses, except as allowed under 16-3-311, MCA.
- (8) "Catered event" means a special event where the sale and service of alcoholic beverages is conducted by a licensee who has obtained a catering endorsement.
- (9) "Catered event service area" means the area in which the licensee with a catering endorsement may sell and serve alcoholic beverages at retail.
- (10) "Colocated license" means the same as the term defined in 16-4-401, MCA.
- (11) "Colocated premises" means the same as the term defined in 16-4-401, MCA.
- (12) "Complete application" means that the applicant has supplied all information and documentation requested on the license application forms or required by statute or rule and the necessary information and documentation requested by the department to complete the ~~application~~ application.
- (13) "Concession agreements" are agreements in which an on-premises consumption beer licensee or all-alcoholic beverages licensee provides the sale and service of alcoholic beverages for a non-licensed entity.
- (14) "Contiguous" means touching or sharing a common border.
- (15) "Cross collateralization" means collateral for one loan also serving as collateral for another loan.
- (16) "Drink preparation area" means the bar area on the premises where alcoholic beverages are stored and prepared for on-premises consumption and from which alcoholic beverages may be sold for off-premises consumption.
- (17) "Event barrier" means a barrier enclosing the perimeter of a catered event service area. The construction, installation, and use criteria of an event barrier is provided in ARM 42.12.128.
- (18) "Fair" means a county, state, or regional fair that occurs no more than once per year, is held on a publicly owned fairgrounds, and is officially sanctioned by a government entity.
- (19) "Family relationship" means a spouse, dependent children, or dependent parents.
- (20) "Floor plan" means a diagram with measurements of the premises as seen from above.
- (21) "Grocery store" means a self-service retail establishment where a variety of perishable and nonperishable food items and household goods are sold for use off the premises.

- (22) "Interior access" means entry that does not impede customer foot traffic from accessing any interior portion of the premises. Interior access is not found where a customer would be required to leave the interior portion of the premises.
- (23) "Licensee" means a person, partnership, association, or other entity holding a Montana retail alcoholic beverage license, a retail alcoholic beverage operation located on a U.S. military installation, an alcoholic beverage manufacturer, a table wine distributor, or a beer wholesaler within Montana.
- (24) "License fee" means a fee paid at the time a new license application is submitted and upon renewal of an existing license.
- (25) "Loan" means a written contract by which one delivers a sum of money to another with the agreement that the money be returned with interest within a specified period of time.
- (26) "Manufacturing area" means the portion of a manufacturing premises that is not designated as a sample room, or operating a retail license under 16-4-401(9), MCA.
- (27) "Noninstitutional lender" means a person other than a state or federally regulated banking or financial institution, a credit union, an investment company, a development company, or other regulated lender as defined in 31-1-111, MCA, who loans money to the applicant for a license or to the licensee.
- (28) "Ownership interest" means the involvement in the business operated under the license by someone who owns some or all of the assets of the business, shares any portion of the profits, or any portion of the losses or liabilities of the business. Someone with an ownership interest in a liquor license shares in the financial risks of the business and is entitled to the profits or suffers the losses. Ownership interest includes the right to control the location or ownership of a license. Examples of ownership interests would include the authority to participate in such business decisions as the sale of the license, relocation of the license, or change or creation of any financial arrangements for loan repayment or funding sources. Participation in business decisions does not include providing advice. A right of first refusal is not an ownership interest.
- (29) "Parties" means a:
 - (a) licensee;
 - (b) applicant;
 - (c) secured party;
 - (d) protestor; or
 - (e) attorney representing the licensee, applicant, secured party, protestor, or other interested party.

- (30) "Patio/Deck" means an outdoor portion of the premises where the preparation, service, and consumption of alcoholic beverages is allowed.
- (31) "Perimeter barrier" means a barrier enclosing the perimeter of the patio/deck. The barrier shall be constructed in a manner that impedes foot traffic and clearly defines the boundary of the exterior portion of the premises. The barrier shall be at least three feet high at all points and may have a single entrance permitting public access from an unlicensed area to the patio/deck. Upon the department's determination that the barrier accomplishes its intended purpose, the barrier may:
- (a) be constructed of materials such as lattice or wrought iron that do not form a solid structure;
 - (b) have a portion of it be water;
 - (c) have additional entrances permitting public access to the patio/deck; and
 - (d) be less than three feet in height.
- (32) "Permanent floor-to-ceiling wall" means a continuous structure spanning from floor to ceiling that remains in a fixed position and serves as a solid physical barrier. The wall may be constructed of brick, glass, stone, wood, and other materials as approved by the department. The wall may not be constructed of materials such as lattice or wrought iron that do not form a solid physical barrier.
- (33) "Premises" means the area identified in the floor plan approved by the department on which the activities authorized under the license may be conducted.
- (34) "Prepared serving" means the same as the term provided in 16-1-106, MCA.
- (35) "Registered vendor representative" means the same as provided in ARM 42.11.105.
- (36) "Retail alcoholic beverages license" means a license operated by an establishment for the retail sale of alcoholic beverage for either on- or off-premises consumption but does not include brewery, winery, or distillery licenses.
- (37) "Sacramental wine" means wine that is manufactured and sold exclusively for use as sacramental wine or for other religious purposes.
- (38) "Sample room" means the area of a manufacturer's premises where the service, sale, and on-premises consumption of alcoholic beverages are permitted.
- (39) "Self-pour device" means the same as an electronic or other technology-based device used to measure and supply customers with a predetermined volume of beer or wine, as described in 16-3-311(1)(a)(ii), MCA.
- ~~(39)~~(40) "Self-service of alcoholic beverages" means allowing persons other than the licensee or its employees, or a concessionaire or the concessionaire's employees, to have access to alcoholic beverages prior to the licensee or its employees providing the alcoholic beverage to the person for on-premises consumption. The term does

not include beer or wine that was provided in a pitcher, bucket, or bottle, and beer or wine dispensed through an approved self-pour device.

~~(40)~~(41) "Service area" means the area on the premises where the service, sale, and on-premises consumption of alcoholic beverages are permitted. The service area includes any patio/deck and drink preparation area.

~~(41)~~(42) "Service bar" means an area on a restaurant beer and wine licensee's premises where alcoholic beverages are stored and prepared for on-premises consumption.

~~(42)~~(43) "Ski hill," for the purpose of administering 16-3-302(4), MCA, means the site and permanent structures that have been developed for alpine or Nordic skiing.

~~(43)~~(44) "Special event," as it relates to special permits and catered events, means a short, infrequent, out-of-the-ordinary occurrence such as a picnic, fair, festival, reception, seasonal event, or sporting event for which there is an outcome, conclusion, or result.

~~(44)~~(45) "Stand-alone beer and/or table wine business" means a business in which 95 percent of the business's annual gross income comes from the sale of beer, table wine, or both.

~~(45)~~(46) "Storage area" means any portion of the premises that is accessible only by the licensee or its employees and where alcoholic beverages are stored in original packaging.

~~(46)~~(47) "Substantially different use" means a change great enough to create a new type of business operation at a premises which is easily distinguishable from the business currently operated or previously planned to be operated at the same premises.

~~(47)~~(48) "Temporary operating authority" means the authority granted to an applicant to operate a business pending final approval of the application.

~~(48)~~(49) "Undisclosed ownership interest" means a person with an ownership interest in a license who is not identified as an applicant, shareholder, or member of an applicant on an application for the license, or as a licensee on the face of the license.

Authorizing statute(s): 16-1-303, MCA

Implementing statute(s): 16-1-106, 16-1-302, 16-3-311, MCA

Reasonable Necessity Statement

The department proposes to amend ARM 42.12.106(12) to correct a misspelling of the word “application” at the end of the definition which occurred during the department’s rulemaking promulgated under MAR Notice No. 42-1076 (2024).

The department proposes to adopt a definition for “self-pour device” in new (39) to continue implementation of HB 123 in NEW RULE 2 and provide an abbreviated, universal form of reference for the lengthier statutory term without diminishing the original reference, which the department believes will generally improve how well the rules read. Based on the proposed amendments, the department will renumber the remaining definitions.

The department also proposes to amend the definition of “self-service of alcoholic beverages” in proposed (40) to continue implementation of HB 123 in NEW RULE 2. Since HB 123 allows licensees to use department-approved self-pour devices, and the law specifically states that these devices do not constitute self-service, a premises suitability exception in the definition is necessary.

Lastly, the department proposes to amend the implementing statutes for the rule to meet the requirements of 2-4-305, MCA.

42.12.111 APPLICATION FEES AND PROCESSING FEES FOR OTHER REQUESTS

- (1) The fees to be charged for processing applications or other requests and submissions are as follows:
 - (a) All-beverages license \$400
 - (b) Beer importer's license \$200
 - (c) Combined beer wholesaler and table wine distributor license \$200
 - (d) Combined beer wholesaler and table wine distributor subwarehouse license \$100
 - (e) Brewery license \$200
 - (f) Out of state brewery or beer importers registration \$200
 - (g) Brewery, winery, or distillery storage depot license \$100
 - (h) Domestic distillery license \$200
 - (i) Resort all-beverages license \$400
 - (j) Restaurant beer and wine license \$400

- (k) Retail off-premises beer and table wine license \$200
 - (l) Retail off-premises beer license \$200
 - (m) Retail off-premises table wine license \$200
 - (n) Retail on-premises beer and wine license \$400
 - (o) Sacramental wine license \$50
 - (p) Tour boat endorsement \$100
 - (q) Winery license \$200
 - (r) All-beverages, retail on-premises beer and wine, or restaurant beer and wine license delivery endorsement \$200
- (2) The fees to be charged for processing requests associated with an existing license are as follows:
- (a) Adding a catering endorsement \$100
 - (b) Adding a concession agreement \$100
 - (c) Adding an additional manufacturing location \$100
 - (d) Adding or changing mortgages, secured interests, or liens \$50
 - (e) Transferring ownership as a result of a foreclosure \$200
 - (f) Transferring location \$200
 - (g) Increasing current ownership interest from less than 15 percent to 15 percent or more \$200
 - (h) Changing the business entity type \$200
 - (i) Changing the alcohol beverage type \$200
 - (j) Adding a delivery endorsement \$100
 - (k) Adding an additional golf course building \$100
 - (l) Adding a noncontiguous storage area on the campus of a continuing care retirement community licensed premises \$100
 - (m) Adding additional buildings or service locations on the campus of a continuing care retirement community licensed premises \$100
- (3) The processing fee for determination of resort area is \$500.
- (4) Processing fees are not refundable.
- (5) A fingerprint processing fee, in the amount indicated on the application form, must accompany each application.

Authorizing statute(s): 16-1-303, 16-4-105, 16-4-201, 16-4-204, 16-4-420, MCA

Implementing statute(s): 16-1-302, 16-1-303, 16-3-302, 16-4-105, 16-4-201, 16-4-204, 16-4-303, 16-4-313, 16-4-315, 16-4-414, 16-4-420, MCA

Reasonable Necessity Statement

The department proposes to amend ARM 42.12.111 as follows:

- transfer the application fee references for all-beverages, retail on-premises beer and wine, or restaurant beer and wine license delivery endorsements, which are stated in ARM 42.13.1102 through 42.13.1104, to ARM 42.12.111(1), new (r), to complete the department's efforts to consolidate all application fees and processing fees into one rule which began under MAR Notice No. 42-1076 (2024).
- add two new license processing fees as proposed (2)(l) and (m) to implement HB 491, which allows continuing care retirement community licensees to apply for additional locations on the licensed campus to sell and serve alcoholic beverages and pay the fee prescribed in 16-3-302(2)(b), MCA; and a processing fee for an off-premises consumption licensee delivery endorsement.
- amend the implementing statutes for the rule to meet the requirements of 2-4-305, MCA.

42.12.145 ON-PREMISES CONSUMPTION BEER AND ALL-BEVERAGE LICENSE - PREMISES SUITABILITY REQUIREMENTS

- (1) The department shall determine the suitability of the premises where an on-premises consumption beer and wine or all-beverage retailer proposes to operate a license, when a party applies to obtain a license, transfers ownership interest in an existing license requiring the vetting of a new party pursuant to 16-4-401, MCA, changes the location where a license will be operated, makes alterations to a premises with a floor plan that the department approved, ~~or~~ applies to operate under a concession agreement with a concessionaire, as provided in ARM 42.12.133, or applies to operate as a colocated license. The requirements of this rule also apply to an on-premises consumption beer and wine or all-beverage retailer operating at a colocated premises.
- (2) The premises of an on-premises consumption beer and wine or all-beverage retailer may be considered suitable only if:

- (a) except as allowed in 16-3-311(1)(a), MCA, the applicant or licensee has possessory interest in the premises;
- (b) the applicant or licensee has adequate control over the premises;
- (c) except as allowed in 16-4-401, MCA, a single alcoholic beverage license of any kind will be operated at the premises;
- (d) the premises are identified by a unique address;
- (e) the premises are located in one building or a specific portion of one building, except that a patio/deck may extend the premises beyond the interior portion of the building. The premises may also include the buildings and structures allowed in 16-3-302, MCA, and ARM 42.12.153. The interior portion of the premises must comply with the requirements of 16-3-311(3), MCA. Subject to the exceptions in 16-3-311(1)(a), (8), (9), and (10), MCA, if the premises are located in a portion of a building, the premises must be separated by permanent floor-to-ceiling walls from any other business, including any other business operated by the licensee. Except as otherwise provided in 16-3-311(8), (9), and (10), MCA, the only access from the premises to another business may be through lockable doors in the permanent floor-to-ceiling wall;
- (f) building, health, and fire code approval is obtained;
- (g) the premises are located on regular police beats and can be properly policed by local authorities, which includes the premises being located on property to which law enforcement has unrestricted access, except as provided in 16-6-103, MCA;
- (h) the premises are not located where a local government ordinance prohibits the sale of alcoholic beverages;
- (i) the premises are either solely dedicated to the on-premises consumption of alcoholic beverages or are within a business directly related to the on-premises consumption of alcoholic beverages;
- (j) the type of business is readily determinable due to indoor and outdoor signage and the premises' general layout and atmosphere;
- (k) alcoholic beverages are advertised and displayed as being available for purchase;
- (l) there are no signs, posters, or advertisements displayed on the exterior portion of the premises that identify any brewer, beer importer, or wholesaler in any manner. This prohibition does not apply to temporary advertisements allowed under 16-3-244, MCA, or advertisements excepted in 16-3-244, MCA;

- (m) the interior premises include at least one stationary drink preparation area. The premises may have more than one drink preparation area, including drink preparation areas on the patio/deck and moveable drink preparation areas, subject to department approval;
 - (n) there is interior access to any interior portion of the premises;
 - (o) all storage areas are located in the interior portion of the premises, except as authorized by 16-3-311(1)(b) and (6), MCA;
 - (p) except as provided in 16-3-311(1), MCA, and [NEW RULE 2], the physical layout and equipment utilized provide sufficient physical safeguards to prevent the self-service of alcoholic beverages at any drink preparation area; and
 - (q) except as provided in 16-3-311(1), MCA, and [NEW RULE 2], self-service devices and vending machines are not used to serve alcoholic beverages.
- (3) A patio/deck, authorized under 16-3-311, MCA, may be considered suitable only if:
- (a) building, health, and fire code approval is obtained, as required by state or local law;
 - (b) subject to the exception in (c), the patio/deck is contiguous with and immediately accessible from the interior premises;
 - (c) any path connecting the interior premises and the patio/deck is under the possessory interest of the licensee, is clearly marked, and the department determines that sufficient physical safeguards are in place to ensure proper service and consumption of alcoholic beverages; and
 - (d) with the exception of a patio/deck at a golf course, a perimeter barrier or existing natural boundary clearly marks where the service and consumption of alcoholic beverages are allowed.
- (4) If a licensee leases or subleases its kitchen, or another specified area within its premises, to allow another business entity to operate a business within the licensed premises, as conditioned in 16-3-311(1)(a), MCA, then the licensee shall ensure adequate physical safeguards are in place to prevent access to the alcoholic beverage inventory by the other business entity. The area leased or subleased by the licensee shall be clearly marked on the floor plan, a copy of which shall be submitted to the department.
- (5) The premises must meet and maintain compliance with all suitability standards in place at the time the premises are inspected. The department may, at any time, verify that the premises remain in compliance with all suitability standards in place at the time the suitability of the premises was last determined. Upon determining that the premises do not meet all applicable suitability standards, the department

may deny an application or take administrative action against a licensee, including license revocation.

- (6) The privileges granted under a license extend only to the premises depicted in the floor plan approved by the department. The licensee shall follow the process in ARM 42.13.106 for a premises alteration.

Authorizing statute(s): 16-1-303, MCA

Implementing statute(s): 16-3-244, 16-3-309, 16-3-311, 16-3-312, 16-4-213, 16-4-402, 16-4-405, 16-4-418, MCA

Reasonable Necessity Statement

The department proposes to amend ARM 42.12.145(1) to notify applicants and licensees that a licensed premises is subject to premises suitability requirements when seeking to operate as a colocated premises, which the department's rulemaking under MAR Notice No. 42-1076 (2024) inadvertently omitted. The amendments are necessary since two licenses will be operated out of a combined premises and the department must ensure the premises suitability requirements for both operations are met in order to protect public health and safety.

The department also proposes amendments in (1) which are necessary to correct minor punctuation or subject-verb errors made under the MAR Notice No. 42-1076 rulemaking.

The department also proposes to amend (2)(p) and (q) to continue implementation of HB 123 in NEW RULE 2. Since HB 123 allows licensees to use department-approved self-pour devices, and the law specifically states that these devices do not constitute self-service, it is necessary to state the suitability of premises exceptions.

42.12.146 RESTAURANT BEER AND WINE LICENSE - PREMISES SUITABILITY REQUIREMENTS

- (1) The department shall determine the suitability of the premises where a restaurant beer and wine retailer proposes to operate a license, when a party applies to obtain a license, transfers ownership interest in an existing license requiring the vetting of a new party pursuant to 16-4-401, MCA, changes the location where a license will be operated, or makes alterations to a premises with a floor plan that the department approved.
- (2) The premises of a restaurant beer and wine retailer may be considered suitable only if:

- (a) except as allowed in 16-3-311(1)(a), MCA, the applicant or licensee has possessory interest in the premises;
- (b) the applicant or licensee has adequate control over the premises;
- (c) a single alcoholic beverage license of any kind will be operated at the premises;
- (d) the premises are identified by a unique address;
- (e) the premises are located in one building or a specific portion of one building, except that a patio/deck may extend the premises beyond the interior portion of the building. The interior portion of the premises must comply with the requirements of 16-3-311(3), MCA. Subject to the exceptions in 16-3-311(8) and (9), MCA, if the premises are located in a portion of a building, the premises must be separated by permanent floor-to-ceiling walls from any other business, including any other business operated by the licensee. Except as provided in 16-3-311(1)(a), (8), and (9), MCA, the only access from the premises to another business may be through lockable doors in the permanent floor-to-ceiling wall;
- (f) building, health, and fire code approval is obtained;
- (g) the premises are located on regular police beats and can be properly policed by local authorities, which includes the premises being located on property to which law enforcement has unrestricted access;
- (h) the premises are not located where a local government ordinance prohibits the sale of alcoholic beverages;
- (i) the type of business is readily determinable due to indoor and outdoor signage and the premises' general layout and atmosphere;
- (j) alcoholic beverages are advertised and displayed as being available for purchase;
- (k) there are no signs, posters, or advertisements displayed on the exterior portion of the premises that identify any brewer, beer importer, or wholesaler in any manner. This prohibition does not apply to temporary advertisements allowed under 16-3-244, MCA;
- (l) there is seating for patrons totaling not more than the seating capacity for which the premises are licensed;
- (m) there is an interior service bar. The premises may have more than one service bar, including service bars on the patio/deck, subject to department approval;
- (n) there is interior access to any interior portion of the premises;

- (o) all storage areas are located in the interior portion of the premises, except as authorized by 16-3-311(6), MCA;
 - (p) except as provided in 16-3-311(1), MCA, and [NEW RULE 2], the physical layout and equipment utilized provide sufficient physical safeguards to prevent the self-service of alcoholic beverages at any service bar; and
 - (q) except as provided in 16-3-311(1), MCA, and [NEW RULE 2], self-service devices and vending machines are not used to serve alcoholic beverages.
- (3) A patio/deck, authorized under 16-3-311, MCA, may be considered suitable only if:
 - (a) building, health, and fire code approval is obtained;
 - (b) subject to the exception in (c), the patio/deck is contiguous with and immediately accessible from the interior premises;
 - (c) any path connecting the interior premises and the patio/deck is under the possessory interest of the licensee, is clearly marked, and the department determines that sufficient physical safeguards are in place to ensure proper service and consumption of alcoholic beverages; and
 - (d) a perimeter barrier clearly marks where the service and consumption of alcoholic beverages are allowed.
- (4) If a licensee leases or subleases its kitchen, or another specified area within its premises, to allow another business entity to operate a business within the licensed premises, as conditioned in 16-3-311(1)(a), MCA, then the licensee shall ensure adequate safeguards are in place to prevent access to the alcoholic beverage inventory by the other business entity. The area leased or subleased by the licensee shall be clearly marked on the floor plan, a copy of which shall be submitted to the department.
- (5) A licensee which leases or subleases its kitchen, or another specified area of its licensed premises, must still meet the definition of "restaurant" and fulfill the license requirements of 16-4-420, MCA.
- (6) The premises must meet and maintain compliance with all suitability standards in place at the time the premises are inspected. The department may, at any time, verify that the premises remain in compliance with all suitability standards in place at the time the suitability of the premises was last determined. Upon determining that the premises do not meet all applicable suitability standards, the department may deny an application or take administrative action against a licensee, including license revocation.
- (7) The privileges granted under a license extend only to the premises depicted in the floor plan approved by the department. The licensee shall follow the process in ARM 42.13.106 for a premises alteration.

Authorizing statute(s): 16-1-303, MCA

Implementing statute(s): 16-3-244, 16-3-309, 16-3-311, 16-3-312, 16-4-402, 16-4-405, 16-4-421, MCA

Reasonable Necessity Statement

The department proposes to amend ARM 42.12.146(1) for the same reasons and under the authority expressed in the second paragraph of the statement of reasonable necessity for the proposed amendments to ARM 42.12.145.

The department proposes to amend ARM 42.12.146(2)(p) for the same reasons and under the authority expressed in the third paragraph of the statement of reasonable necessity for the proposed amendments to ARM 42.12.145.

42.12.149 WINERY, BREWERY, AND DISTILLERY - PREMISES SUITABILITY REQUIREMENTS

- (1) The department shall determine the suitability of the premises where an alcoholic beverage manufacturer proposes to operate a license, when a party applies to obtain a license, transfers ownership interest in an existing license requiring the vetting of a new party pursuant to 16-4-401, MCA, changes the location where a license will be operated, ~~or~~ makes alterations to a premises with a floor plan that the department approved, or applies to operate as a colocated license. The requirements of this rule also apply to an alcoholic beverage manufacturer operating at a colocated premises.
- (2) The premises of a manufacturer may be considered suitable only if:
 - (a) the applicant or licensee has possessory interest in the premises;
 - (b) the applicant or licensee has adequate control over the premises;
 - (c) a single alcoholic beverage license of any kind will be operated on the premises, except as authorized under an approved alternating proprietor arrangement;
 - (d) the premises are identified by a unique address;
 - (e) building, health, and fire code approval is obtained;
 - (f) the premises are located in one building or a specific portion of one building, except that a patio/deck may extend the premises beyond the interior portion of the building. The interior portion of the premises must comply with the

requirements of 16-3-311(3), MCA. If the premises are located in a portion of a building, the premises must be separated by permanent floor-to-ceiling walls from any other licensed alcoholic beverage business, except as provided in 16-3-311(8) and (9), MCA. The only access from the premises to another licensed alcoholic beverage business may be through lockable doors in the permanent floor-to-ceiling wall, except as provided in 16-3-311(8) and (9), MCA;

- (g) there is interior access to any interior portion of the premises;
 - (h) all storage areas are located in the interior portion of the premises;
 - (i) access by unauthorized persons to manufacturing areas is restricted; and
 - (j) it is readily determinable that a manufacturer operates at the premises due to outdoor signage and the existence of the equipment necessary to undertake the activities for which the premises are licensed.
- (3) The premises may include more than one building for manufacturing purposes only if the licensee has possessory interest in the property on which the buildings are located. To seek approval, the licensee shall submit a form provided by the department and include verification that the Alcohol and Tobacco Tax and Trade Bureau approved the licensee's registration to operate any additional building under the manufacturer's existing federal permit or notice. All buildings on the premises are subject to the suitability requirements in (2).
- (4) A domestic brewery, winery, or distillery may operate a warehouse anywhere in the state only if the warehouse is used exclusively for storage. To seek approval, the licensee shall submit a form provided by the department and include verification, if applicable, that the Alcohol and Tobacco Tax and Trade Bureau approved the licensee's registration to operate the warehouse. A licensee may seek approval for more than one warehouse. Each warehouse must have a separate storage depot license. All warehouses are subject to the suitability requirements in (2).
- (5) In addition to all other requirements, a manufacturer's premises with a sample room shall be considered suitable only if:
- (a) there is a single contiguous sample room;
 - (b) the sample room is located in the interior portion of the premises;
 - (c) the sample room is not located in a storage warehouse;
 - (d) the sample room contains a drink preparation area. The premises may have more than one drink preparation area, including drink preparation areas on the patio/deck, subject to department approval;

- (e) the physical layout and equipment utilized provide sufficient physical safeguards to prevent the self-service of alcoholic beverages at any drink preparation area; and
 - (f) except as provided in 16-3-311(1), MCA, and [NEW RULE 2], self-service devices and vending machines are not used to serve alcoholic beverages.
- (6) A manufacturing premises with a sample room may have a patio/deck. The patio/deck will be considered suitable only if:
 - (a) building, health, and fire code approval is obtained;
 - (b) the patio/deck is contiguous with and immediately accessible from the sample room, except where the department approves a path connecting the sample room and the patio/deck. The use of a path may only be approved if the licensee holds possessory interest in the path, the path is clearly marked, and the department determines that sufficient physical safeguards are in place to ensure proper service and consumption of alcoholic beverages;
 - (c) a perimeter barrier clearly marks where the service and consumption of alcoholic beverages is allowed; and
 - (d) the physical layout and equipment prevent the self-service of alcoholic beverages. This includes a prohibition against the service of alcoholic beverages through self-service devices and vending machines. Reach-in coolers and open shelving are prohibited unless they are located in a drink preparation area and the department determines that sufficient physical safeguards are in place to prevent the self-service of alcoholic beverages.
- (7) A distillery premises may only include one sample room, regardless of the number of manufacturing buildings the licensee operates.
- (8) The premises must meet and maintain compliance with all suitability standards in place at the time the premises are inspected. The department may, at any time, verify that the premises remain in compliance with all suitability standards in place at the time the suitability of the premises was last determined. Upon determining that the premises do not meet all applicable suitability standards, the department may deny an application or take administrative action against a licensee, including license revocation.
- (9) The privileges granted under a license extend only to the premises depicted in the floor plan approved by the department. The licensee shall follow the process in ARM 42.13.106 for a premises alteration.

Authorizing statute(s): 16-1-303, MCA

Implementing statute(s): 16-3-311, 16-3-411, 16-4-102, 16-4-312, 16-4-402, MCA

Reasonable Necessity Statement

The department proposes to amend ARM 42.12.149(1) for the same reasons and under the authority expressed in the first and second paragraphs of the statement of reasonable necessity for the proposed amendments to ARM 42.12.145.

The department also proposes to amend ARM 42.12.149(5)(f) for the same reasons and under the authority expressed in the third paragraph of the statement of reasonable necessity for the proposed amendments to ARM 42.12.145.

42.12.151 LIMITED ALL-BEVERAGES LICENSE FOR CONTINUING CARE RETIREMENT COMMUNITY – CAMPUS AND PREMISES SUITABILITY REQUIREMENTS AND CONDITIONS FOR OPERATING

- (1) The department shall determine the suitability of the campus and premises when a continuing care retirement community applies to obtain a limited all-beverage license provided in 16-4-315, MCA, changes the ~~location~~ campus where the license will be operated, or makes alterations to the department-approved premises. ~~The privileges granted under a license extend only to the premises depicted in the floor plan approved by the department except on-premises consumption may extend across the continuing care retirement community's campus, as provided in 16-4-315, MCA.~~
- (2) The continuing care retirement community campus and premises may be considered suitable only if:
 - (a) the applicant or licensee has possessory interest in the campus and licensed premises;
 - (b) the applicant or licensee has adequate control over the premises;
 - (c) no other license authorized under Title 16, MCA, will be operated concurrently at the premises;
 - (d) ~~the premises are~~ campus is identified by a unique address;
 - (e) ~~the premises are located within one building or a specific portion of one building. The interior of the premises must be a continuous area that is not broken by any area in which the applicant or licensee does not have adequate control, such as another business or a common area shared with other building tenants~~ the sales, service, storage, and delivery of alcoholic beverages are done within the boundaries of the continuing care retirement community campus and in department-approved buildings and structures in compliance with 16-4-315, MCA, ARM 42.12.153, and this rule;

- (f) building, health, and fire code approvals are obtained, as required by state or local law;
- (g) the premises are located on regular police beats and can be properly policed by local authorities, which includes the premises being located on property to which law enforcement has unrestricted access;
- (h) the premises are not located where a local government ordinance prohibits the sale of alcoholic beverages;
- (i) the premises complies with the licensing restrictions provided in 16-3-306, MCA;
- (j) there are no signs, posters, or advertisements displayed on the exterior of the premises that identify any brewer, beer importer, or wholesaler in any manner. This prohibition does not apply to temporary advertisements allowed under 16-3-244, MCA;
- (k) a plat of the continuing care retirement community campus is submitted to the department that shows the campus boundaries and any buildings and structures used in the sales, service, delivery, and storage of alcoholic beverages, including any noncontiguous storage areas;
- ~~(k)(l)~~ the one or more floor plans are submitted that accurately states the dimensions of the premises, includes the applicant or licensee's name; alcoholic beverage license number, if applicable; physical address and date of application; and identifies the central dining areas, any stationary drink preparation area service locations, and any storage areas. A plat of the continuing care retirement community campus must also be provided to the department that shows the campus boundaries and any other structures located on the campus;
- ~~(l)(m)~~ the interior of the premises includes at least one stationary drink preparation area. The central dining area service location but may have more than one drink preparation area, including moveable drink preparation areas portable bar or dispensing equipment, subject to department approval;
- ~~(m)~~ all storage areas are located in the interior of the premises;
- (n) alcoholic beverages will not be sold through a drive-up window;
- (o) the physical layout and equipment utilized provide sufficient physical safeguards to prevent the self-service of alcoholic beverages at any drink preparation area; and
- (p) self-service devices and vending machines are not used to serve alcoholic beverages, except for self-pour devices provided in 16-3-311(1), MCA, and [NEW RULE 2].

- (3) The premises must meet and maintain compliance with all suitability standards in place at the time the premises was last approved by the department. The department may, at any time, verify that the premises remain in compliance with those suitability standards. Upon determining that the premises does not meet all applicable suitability standards, the department may deny an application or take administrative action against the licensee, including license revocation.
- (4) The licensee shall follow the process in ARM 42.13.106 for a premises alteration. Alterations to residential areas or other areas where alcoholic beverages are not sold or served from do not require ~~submission~~ or approval from the department.
- (5) In addition to all other alcoholic beverage licensing requirements, a limited all-beverages continuing care retirement community licensee shall:
 - (a) only purchase and possess on the premises liquor and fortified wine from an agency liquor store, beer from a beer wholesaler or brewery, and table wine from a table wine distributor or winery, except for alcoholic beverages obtained elsewhere by residents of the continuing care retirement community for consumption in residential areas;
 - (b) sell or serve alcoholic beverages only from an approved drink preparation areas;
 - (c) prevent the sale or service of alcoholic beverages between 8 p.m. and 11 a.m.;
 - (d) prevent the consumption or possession of alcoholic beverages outside of residential areas between 2 a.m. and 11 a.m. by removing all alcoholic beverages from individuals' possession by 2 a.m.;
 - (e) prevent the consumption or possession of alcoholic beverages on the campus and premises by persons who are under 21 years of age, or actually, apparently, or obviously intoxicated, in accordance with 16-3-301, MCA; and
 - (f) prevent the on-premises consumption of alcoholic beverages not sold or provided at the premises except for alcoholic beverages obtained elsewhere by residents of the continuing care retirement community for consumption in residential areas.

Authorizing statute(s): 16-1-303, 16-4-315, MCA

Implementing statute(s): 16-3-244, 16-3-309, 16-3-311, 16-4-315, 16-4-402, 16-4-405, 16-6-303, MCA

Reasonable Necessity Statement

The department generally proposes to amend ARM 42.12.151 to continue the implementation of HB 491 which allows continuing care retirement community licensees with additional options for selling and serving alcoholic beverages on their campuses within designated buildings and ancillary areas within the campus, such as patios. The rule title is proposed for amendment to reflect HB 491's focus to define and incorporate the campus of a continuing care retirement community into alcoholic beverages service.

The department proposes to strike the last sentence of (1) and include necessary restatements of the revised law in the proposed amendments to (2)(e) and proposed (2)(k) for disclosure and to notify licensees that all buildings within a campus and service locations of the licensed premises must be included on the plat map and floor plan(s). Based on the proposed addition of (2)(k), remaining subsections in (2) will be renumbered.

The department's amendments to proposed (2)(m) are necessary to align the rule with the additional storage options for continuing care retirement community licensees under HB 491.

Lastly, the department proposes to amend (2)(p) for the same reasons and under the authority expressed in the third paragraph of the statement of reasonable necessity for the proposed amendments to ARM 42.12.145.

42.12.152 NONCONTIGUOUS ALCOHOLIC BEVERAGE STORAGE AREAS; RESORT ALTERNATE RETAIL ALCOHOLIC BEVERAGE STORAGE FACILITIES

- (1) The use of a noncontiguous alcoholic beverage storage area by an on-premises retail licensee is permissible, as provided in 16-3-311, MCA. A Except for a noncontiguous storage area for a continuing care retirement community under 16-4-315, MCA, all other noncontiguous alcoholic beverage storage areas may be located within ten miles of the licensee's premises as measured in a straight line from the nearest entrance of the licensed premises to the nearest entrance of the noncontiguous storage area.
- (2) The use of resort alternate alcoholic beverage storage facilities ~~are~~ is permissible, as provided in 16-3-311 and 16-4-213, MCA.
- (3) Except as provided in 16-3-311(7), MCA, a noncontiguous alcoholic beverage storage area or resort alternate alcoholic beverage storage facility may be used for the storage of alcoholic beverages and must have adequate physical safeguards to prevent access by individuals other than the licensee or their employees. A noncontiguous alcoholic beverage storage area or resort alternate alcoholic beverage storage facility may also be used for the storage of items related to the alcoholic beverage business including supplies, equipment, and vehicles.

- (4) A licensee must submit the following to the department via its online licensing portal for approval of either a noncontiguous alcoholic beverage storage area or resort alternate alcoholic beverage storage facility:
- (a) a completed noncontiguous alcoholic beverage storage area or resort alternate alcoholic beverage storage facility request form, as applicable;
 - (b) the application fee provided in 16-3-311 or 16-4-213, MCA, as applicable;
 - (c) the processing fee provided in ARM 42.12.111, as applicable;
 - ~~(e)~~(d) a copy of the floor plan for a noncontiguous alcoholic beverage storage area or the resort site plan and floor plan for a resort alternate alcoholic beverage storage facility;
 - ~~(d)~~(e) documentation of the licensee's possessory interest in the noncontiguous alcoholic beverage storage area or resort alternate alcoholic beverage storage facility;
 - ~~(e)~~(f) documentation demonstrating that a noncontiguous alcoholic beverage storage area or resort alternate alcoholic beverage storage facility meets the requirements of 16-3-311 and 16-4-213, MCA, as applicable, and (3);
 - ~~(f)~~(g) evidence of approvals from state or local officials that the premises meet building, health, and fire code requirements, as required by state or local law; and
 - ~~(g)~~(h) any additional documentation the department deems reasonably necessary in order to approve the licensee's request.
- (5) Upon its acceptance and review of a licensee's submissions in (4), the department will arrange an inspection of a noncontiguous alcoholic beverage storage area or a resort alternate alcoholic beverage storage facility and will review the inspection findings.
- (6) The department will notify the licensee, in writing, of the department's approval or denial of the noncontiguous alcoholic beverage storage area or resort alternate alcoholic beverage storage facility.
- (7) Upon approval, a licensee's license will be updated to reflect the location of the noncontiguous alcoholic beverage storage area or resort alternate alcoholic beverage storage facility. The licensee must display a copy of the license in a prominent place at the noncontiguous alcoholic beverage storage area or resort alternate alcoholic beverage storage facility.
- (8) No alcoholic beverages may be stored by the licensee at the noncontiguous alcoholic beverage storage area or resort alternate alcoholic beverage storage facility prior to receiving department approval.

- (9) The selling, giving away, or consumption of alcoholic beverages at a noncontiguous alcoholic beverage storage area or resort alternate alcoholic beverage storage facility is prohibited.

Authorizing statute(s): 16-1-303, MCA

Implementing statute(s): 16-3-301, 16-3-311, 16-4-213, MCA

Reasonable Necessity Statement

Similar to the department's proposed amendments to ARM 42.12.151, the department finds it necessary to amend ARM 42.12.152(1) to continue the implementation of HB 491 which allows continuing care retirement community licensees the ability to store alcoholic beverages in a noncontiguous storage area. However, the location of this noncontiguous storage area is statutorily different for this licensee type compared to other licensees, so the amendments reflect this noncontiguous storage area variation.

The department also proposes to add new (4)(c) which is discussed in the statement of reasonable necessity for the processing fees in ARM 42.12.111(2)(l) and (m). This fee is similar to fees imposed on other licensees for the same purpose and under the same authority. Based on the proposed addition of (4)(c), remaining subsections in (4) will be renumbered.

42.12.153 ADDITIONAL RETAIL SERVICE BUILDINGS OR STRUCTURES

- (1) In addition to the main licensed premises, a golf course beer and wine licensee or an all-beverages licensee operating a license at a golf course may use an additional building or structure, one per nine holes of the golf course that is designed to serve golfers alcoholic beverages during the course of play.
- (2) In addition to the main licensed premises, an all-beverages licensee or resort all-beverages licensee may sell alcoholic beverages for consumption on the premises in one or more of the following:
 - (a) ~~a building that constitutes the primary indoor lodging quarters of a hotel or other short term lodging facility~~ up to two licensed alcohol service structures separate from the main licensed premises of a hotel, if the premises is not located within the quota area boundaries of an incorporated city or incorporated town;
 - (b) a permanent, licensed alcohol service structure in a swimming area separate from the main licensed premises;

- (c) up to two additional permanent structures on a ski hill separate from the main licensed premises; or
 - (d) an additional structure that constitutes the clubhouse or primary indoor recreational quarters of the golf course separate from the main licensed premises.
- (3) A continuing care retirement community licensee may sell alcoholic beverages for consumption on its campus and premises from the following locations:
- (a) any buildings or structures as long as those service locations are on the campus and include food service;
 - (b) patios, decks, or controlled lawn areas as long as those areas are immediately adjacent to the main licensed premises and located on the campus; and
 - (c) in a permanent, licensed alcohol service structure in a swimming pool area.
- ~~(3)~~(4) The department may approve a licensee for storage of alcoholic beverages at an additional retail service building if adequate physical safeguards prevent access by individuals other than the licensee or its employees.
- ~~(4)~~(5) A licensee must submit the following to the department via its online licensing portal for approval of an additional retail service building or structure:
- (a) a completed additional retail service building request form;
 - (b) the application fee provided in 16-3-302, MCA, as applicable;
 - (c) the processing fee provided in ARM 42.12.111, as applicable;
 - (d) a copy of the floor plan for each proposed additional retail service building or structure;
 - (e) a plat-style map showing the location of each proposed additional retail service building or structure on the licensee's property;
 - (f) documentation of the licensee's possessory interest in the proposed additional retail service building or structure;
 - (g) evidence of approvals from state or local officials that the proposed additional retail service building or structure meets building, health, and fire code requirements, as required by state or local law; and
 - (h) any additional documentation the department deems reasonably necessary to approve the licensee's request.
- ~~(5)~~(6) Upon its acceptance and review of a licensee's submissions in ~~(4)~~(5), the department will arrange an inspection of the proposed additional retail service building or structure and review the inspection findings.

~~(6)~~(7) The department will notify the licensee, in writing, within ten business days of the completed investigation of its approval or denial of the additional retail service building or structure.

~~(7)~~(8) Upon approval, an updated license will be issued and reflect the location of any additional retail service building or structure. The licensee must display a copy of the license in a prominent place at any additional retail service building or structure.

~~(8)~~(9) No alcoholic beverages may be stored or served by a licensee at a proposed additional retail service building or structure prior to receiving department approval.

Authorizing statute(s): 16-1-303, MCA

Implementing statute(s): 16-3-302, 16-4-315, MCA

Reasonable Necessity Statement

The department proposes to amend ARM 42.12.153 to align the rule with statutory changes enacted under HB 882 and HB 491. HB 882 provides allowances for hotels to add additional structures to their licensed premises, and HB 491 allows continuing care retirement community licensees to serve alcoholic beverages from additional locations on the community's campus (as alluded to in the proposed amendments to ARM 42.12.151).

The proposed amendments to (2)(a) and proposed (3) seek to meet the revised additional building parameters for hotels and continuing care retirement communities, respectively. Based on the addition of proposed (3), the department will renumber the remaining sections of the rule.

Lastly, the department proposes to amend the implementing statutes for the rule to meet the requirements of 2-4-305, MCA.

42.13.111 DEFINITIONS

The following definitions apply to this chapter:

- (1) "Alteration" means a structural change or a modification to the premises other than a cosmetic change. Examples include adding a patio or removing a half wall.
- (2) "Building" means an enclosed structure with external walls and a roof. Separate structures or structures connected by skyways are not considered one building for licensing purposes.

- (3) "Contiguous" means touching or sharing a common border.
- (4) "Contract packaging" means blending, bottling, packing, and/or filling of a distilled spirits product by a domestic distilled spirits plant for another distilled spirits plant.
- (5) "Cosmetic change" means a nonstructural change to the premises. Examples include painting, carpeting, and other interior decorating.
- (6) "Coupons" are certificates or tickets entitling the holder to a specified right, as redemption for cash or gifts or reduced purchase price.
- (7) "Distilled at the microdistillery" means the process of vaporization and subsequent condensation of a beverage containing ethyl alcohol that occurs at the licensed premises.
- (8) "Distilled spirits" means alcoholic beverages that contain ethyl alcohol and generally are the result of distillation of fermented materials. Examples include whiskey, gin, vodka, cordials, liqueurs, and flavored brandies. Distilled spirits do not include alcoholic beverages that are defined as beer or wine by the Montana Alcoholic Beverage Code.
- (9) "Distilled spirits plant" means a plant at which distilled spirits are manufactured, produced, aged, stored, packaged, or bottled.
- (10) "Drink preparation area" means the bar area on the premises where alcoholic beverages are stored and prepared for on-premises consumption and from which alcoholic beverages may be sold for off-premises consumption.
- (11) "Flavors and nonbeverage ingredients containing alcohol" means any intermediate product containing alcohol that is used in the production of beer.
- (12) "Floor plan" means a diagram with measurements of the premises as seen from above.
- (13) "Fortified wine" means wine that contains more than 16 percent, but not more than 24 percent, of alcohol by volume. Fortified wine constitutes liquor for distribution purposes.
- (14) "Going establishment" means a business that:
 - (a) is open at least 20 hours per week for any four weeks in a 90-day period;
 - (b) maintains an inventory of at least ten cases of alcoholic beverages for each day that the establishment is open; and
 - (c) sells or provides a minimum of \$50, calculated at cost, of alcoholic beverages each week the establishment is open.
- (15) "Grocery store" means a self-service retail establishment where a variety of perishable and nonperishable food items and household goods are sold for use off the premises.

- (16) "Industry member" is any person engaged in business as a manufacturer, importer, or wholesaler of alcoholic beverages.
- (17) "Mitigating circumstances" means a justification for a violation that the department considers extenuating enough to warrant a reduction of the penalty that would otherwise be proposed.
- (18) "Original packaging" means the sealed container in which a manufacturer packages its product for retail sale. It includes bottles, cans, kegs, and growlers, but does not include lines or piping carrying product from a manufacturer's premises to a retailer's premises.
- (19) "Patio/deck" means an outdoor portion of the premises where the preparation, service, and consumption of alcoholic beverages is allowed.
- (20) "Perimeter barrier" means a barrier enclosing the perimeter of the patio/deck. The barrier shall be constructed in a manner that impedes foot traffic and clearly defines the boundary of the exterior portion of the premises. The barrier shall be at least three feet high at all points and may have a single entrance permitting public access from an unlicensed area to the patio/deck. Upon the department's determination that the barrier accomplishes its intended purpose, the barrier may:
 - (a) be constructed of materials such as lattice or wrought iron that do not form a solid structure;
 - (b) have a portion of it be water;
 - (c) have additional entrances permitting public access to the patio/deck; and
 - (d) be less than three feet in height.
- (21) "Portable satellite vehicle" or "other movable satellite device" as used in 16-3-302, MCA, may include:
 - (a) self-propelled wheeled vehicles such as golf carts, concession vans, or similar conveyances containing beverage dispensing and storage equipment; or
 - (b) wheeled devices such as concession wagons or vendors carts and other similar vehicles which may be towed, pushed, or transported to a temporary site and which contains beverage dispensing and storage equipment; and
 - (c) fixed booths or stands in which portable beverage dispensing and storage equipment may be temporarily installed and removed after use.
- (22) "Posted price" as it applies to liquor and fortified wine, means the wholesale price of liquor and fortified wine for sale to persons who hold liquor licenses as fixed and determined by the department.
- (23) "Premises" means the area in the floor plan approved by the department on which the activities authorized under the license may be conducted.

- (24) "Primary packaging" means the container that directly holds the alcoholic beverage. Examples of primary packaging include, but are not limited to, aluminum cans, glass bottles, kegs, and a box containing a plastic bladder or other soft flexible container of wine.
- (25) "Purchase price" means the ordinary, dine-in menu price for beer and wine and food items.
- (26) "Sale to an underage person" means a violation consisting of the unlawful sale, service, or delivery of an alcoholic beverage to a person under the age of 21.
- (27) "Sample room" means the area of a manufacturer's premises where the service, sale, and on-premises consumption of alcoholic beverages are permitted.
- (28) "Seasonal business" means a business closed for greater than 90 consecutive days due to climatic and other conditions.
- (29) "Self-pour device" means the same as an electronic or other technology-based device used to measure and supply customers with a predetermined volume of beer or wine, as described in 16-3-311(1)(a)(ii), MCA.
- ~~(29)~~(30) "Self-service of alcoholic beverages" means allowing persons other than the licensee or its employees to have access to alcoholic beverages prior to the licensee or its employees providing the alcoholic beverage to the person for on-premises consumption. The term does not include beer or wine that was provided in a pitcher, bucket, or bottle, and beer or wine dispensed through a self-pour device.
- ~~(30)~~(31) "Service area" means the area on the premises where the service, sale, and on-premises consumption of alcoholic beverages are permitted. The service area includes any patio/deck and drink preparation area.
- ~~(31)~~(32) "Service bar" means an area on a restaurant beer and wine licensee's premises where alcoholic beverages are stored and prepared for on-premises consumption.
- ~~(32)~~(33) "Stand-alone beer and/or table wine business" means a business in which 95 percent of the business's annual gross income comes from the sale of beer, table wine, or both.

Authorizing statute(s): 16-1-303, MCA

Implementing statute(s): 16-1-302, 16-3-311, MCA

Reasonable Necessity Statement

Like the proposed amendment in ARM 42.12.106(39), the department proposes to amend ARM 42.13.111 to adopt a definition for "self-pour device" in new (29) to continue implementation of HB 123 in NEW RULE 2. The definition will provide an abbreviated, universal form of

reference for the lengthier statutory term without diminishing the original reference, which the department believes will generally improve how well the rules read. Based on the addition of proposed (29), the department will renumber the remaining definitions in the rule.

The department also proposes to amend the definition of “self-service of alcoholic beverages” in proposed (30) to continue implementation of HB 123 in NEW RULE 2. Since HB 123 allows licensees to use department-approved self-pour devices, and the law specifically states that these devices do not constitute self-service, a premises suitability exception in the definition is necessary.

Lastly, the department proposes to amend the implementing statutes for the rule to meet the requirements of 2-4-305, MCA.

42.13.1102 ALL-BEVERAGES LICENSE - CONDITIONS FOR OPERATING

- (1) In addition to all other alcoholic beverage licensing requirements, an all-beverages licensee shall:
 - (a) only purchase and possess on the premises liquor and fortified wine from an agency liquor store, beer from a beer wholesaler or brewery, and table wine from a table wine distributor or winery, except as permitted under 16-3-301(8), 16-3-302(5), 16-4-213(4)(a)(iii), 16-4-213(8), 16-4-401(9)(e), 16-4-404(7), and 16-6-306(3), MCA;
 - (b) store alcoholic beverages only on the premises or in an approved noncontiguous alcoholic beverage storage area or resort alternate alcoholic beverage storage facility, as applicable;
 - (c) offer liquor, beer, and wine for on-premises consumption;
 - (d) prevent the self-service of alcoholic beverages on the premises, except as provided in 16-3-311(1), MCA, and [NEW RULE 2];
 - (e) prevent the sale of alcoholic beverages for on-premises or off-premises consumption between 2 a.m. and 8 a.m.;
 - (f) prevent the consumption or possession of alcoholic beverages on the premises between 2 a.m. and 8 a.m. by removing all alcoholic beverages other than those sold for off-premises consumption pursuant to (2) from individuals' possession by 2 a.m.;
 - (g) prevent the consumption or possession of alcoholic beverages on the premises by persons who are under 21 years of age or actually, apparently, or obviously intoxicated; and

- (h) prevent the on-premises consumption of alcoholic beverages not sold or provided at the premises and those sold in original packaging, prepared servings, or growlers for off-premises consumption, except as described in (5).
- (2) An all-beverages licensee may sell alcoholic beverages for off-premises consumption under the following conditions:
 - (a) alcoholic beverages must be sold in original packaging, prepared servings filled at the time of sale, or growlers of beer or table wine filled at the time of sale; and
 - (b) the sale of alcoholic beverages must occur on the premises, except as provided in (3) and (4).
- (3) An all-beverages licensee may use curbside pickup, including a drive-through window, to sell alcoholic beverages that were ordered online, in person, or through the phone.
- (4) An all-beverages licensee may deliver alcoholic beverages to a customer off-site under the following conditions:
 - (a) the licensee must apply for, and be issued, a delivery endorsement from the department. The application fee for the delivery endorsement is ~~\$200~~ provided in ARM 42.12.111;
 - (b) alcoholic beverage delivery is limited to beer and wine in original packaging. The delivery of liquor is prohibited;
 - (c) the licensee may deliver alcoholic beverages if the delivery includes food purchased from and prepared by the licensee. The purchase price of the delivered beer and wine may not exceed the purchase price of the delivered food; and
 - (d) the licensee must use its employees who are 21 years of age or older for all food deliveries that include alcoholic beverages. Third-party delivery companies are prohibited.
- (5) An all-beverages licensee may purchase up to a total of six gallons of beer or table wine per day from in-state licensed retailers. The licensee shall maintain records for any beer or table wine purchased from in-state retailers separate from those for inventory purchased through ordinary means of distribution. Records shall include:
 - (a) the date of purchase;
 - (b) the type(s), brand(s), and quantity of beer or table wine purchased; and
 - (c) the identity of the retailer from whom the beer or table wine was purchased.
- (6) An all-beverages licensee may allow a customer to take a partially consumed bottle of table wine to go if the bottle is adequately sealed with the original cork or bottle

top. This provision is not intended to supersede any jurisdiction's open container laws or contravene 61-8-1026, MCA, regarding open alcoholic beverage containers in motor vehicles.

- (7) If a licensee leases or subleases its kitchen, or another specified area within its premises, to allow another business entity to operate a business within the licensed premises, as conditioned in 16-3-311(1)(a), MCA, then the licensee shall ensure adequate safeguards are in place to prevent access to the alcoholic beverage inventory by the other business entity. The area leased or subleased by the licensee shall be clearly marked on the floor plan, a copy of which shall be submitted to the department.

Authorizing statute(s): 16-1-303, MCA

Implementing statute(s): 16-3-301, 16-3-303, 16-3-304, 16-3-305, 16-3-311, 16-3-312, 16-4-213, 16-4-405, 16-6-303, 16-6-306, MCA

Reasonable Necessity Statement

The department proposes to amend 42.13.1102(1)(a) to implement other statutory changes that were enacted under HB 882. HB 882 amended statute to allow licensees located on resorts to have alcoholic beverages on their premises that were not purchased on site, which is an operational departure from prior policy. The exceptions are authorized in 16-3-302(5) and 16-4-213(4)(a)(iii), MCA. The department believes including the new exceptions in rule is necessary as (1) describes other statutory exceptions.

As provided in other proposed amendments in this rulemaking, the department also proposes to amend (1)(d) in this rule to continue implementation of HB 123 in NEW RULE 2. Since HB 123 allows licensees to use department-approved self-pour devices, and the law specifically states that these devices do not constitute self-service, it is necessary to state the premises suitability exception.

Lastly, the department proposes to move the stated application fee from (4)(a) to the department's consolidated fee rule, ARM 42.12.111, and provide the cross reference in this rule.

42.13.1103 RESTAURANT BEER AND WINE LICENSE - CONDITIONS FOR OPERATING

- (1) In addition to all other alcoholic beverage licensing requirements, a restaurant beer and wine licensee shall:

- (a) only purchase and possess on the premises fortified wine from an agency liquor store, beer from a beer wholesaler or brewery, and table wine from a table wine distributor or winery, except as permitted under 16-3-301(8), 16-3-302(5), 16-4-213(4)(a)(iii), 16-4-404(7), and 16-6-306(3), MCA;
 - (b) store alcoholic beverages only on the premises or in an approved noncontiguous alcoholic beverage storage area;
 - (c) offer beer and wine for on-premises consumption;
 - (d) serve beer and wine only to patrons who order food;
 - (e) state alcoholic beverage sales on the food bill;
 - (f) obtain at least 65 percent of its annual gross income from the sale of food, excluding the sale of nonalcoholic beverages;
 - (g) prevent the self-service of alcoholic beverages on the premises, except as provided in 16-3-311(1), MCA, and [NEW RULE 2];
 - (h) prevent the sale of alcoholic beverages between 11 p.m. and 11 a.m.;
 - (i) prevent the consumption or possession of alcoholic beverages on the premises between 11 p.m. and 11 a.m. by removing all alcoholic beverages from individuals' possession by 11 p.m. other than those sold for off-premises consumption pursuant to (2);
 - (j) prevent the consumption or possession of alcoholic beverages on the premises by persons who are under 21 years of age or actually, apparently, or obviously intoxicated; and
 - (k) prevent the consumption of alcoholic beverages that were not purchased at the premises, except as described in (5).
- (2) A restaurant beer and wine licensee may sell alcoholic beverages for off-premises consumption under the following conditions:
- (a) food must be included in the purchase and the alcoholic beverages stated on the customer's bill;
 - (b) alcoholic beverages must be sold in original packaging, prepared servings, or growlers filled at the time of sale; and
 - (c) the sale of alcoholic beverages must occur on the premises, except for curbside pickup, including a drive-through window, that were ordered online, in person, or through the phone.
- (3) A restaurant beer and wine licensee may deliver alcoholic beverages to a customer off-site under the following conditions:

- (a) the licensee must apply for, and be issued, a delivery endorsement from the department. The application fee for the delivery endorsement is ~~\$200~~ provided in ARM 42.12.111;
 - (b) alcoholic beverage delivery is limited to beer and wine in original packaging;
 - (c) the delivery must include food purchased from and prepared by the licensee. The purchase price of the delivered beer and wine may not exceed the purchase price of the delivered food; and
 - (d) the licensee must use its employees who are 21 years of age or older for all food deliveries that include alcoholic beverages. Third-party delivery companies are prohibited.
- (4) In addition to the requirements in (1) through (3), any restaurant for which a restaurant beer and wine license was not in effect as of April 9, 2009, shall:
 - (a) serve an evening dinner meal at least four days a week for at least two hours a day between 5 p.m. and 11 p.m.; and
 - (b) sell the majority of its food and drinks, excluding any carry-out business, in nondisposable containers.
- (5) A restaurant beer and wine licensee may purchase up to a total of six gallons of beer or table wine per day from licensed in-state retailers. The licensee shall maintain records for beer or table wine purchased from in-state retailers separate from those for inventory purchased through ordinary means of distribution. Records shall include:
 - (a) the date the beer or table wine was purchased;
 - (b) the type(s), brand(s), and quantity of beer or table wine purchased; and
 - (c) the identity of the in-state retailer from whom the beer or table wine was purchased.
- (6) A restaurant beer and wine licensee may allow a customer to take partially consumed bottles of wine to go if the bottle is adequately sealed with the original cork or bottle top. This provision is not intended to supersede any jurisdiction's open container laws or contravene 61-8-1026, MCA, regarding open alcoholic beverage containers in motor vehicles.
- (7) If a licensee leases or subleases its kitchen, or another specified area, to allow another business entity to operate a business within the licensed premises, as conditioned in 16-3-311(1)(a), MCA, then the licensee shall ensure adequate safeguards are in place to prevent access to the alcoholic beverage inventory by the other business entity. The area leased or subleased by the licensee shall be clearly marked on the floor plan, a copy of which shall be submitted to the department.

- (8) A licensee which leases or subleases its kitchen, or another specified area of its licensed premises, must still meet the definition of "restaurant" and fulfill the license requirements stated in 16-4-420, MCA.

Authorizing statute(s): 16-1-303, MCA

Implementing statute(s): 16-3-301, 16-3-305, 16-3-311, 16-3-312, 16-4-405, 16-4-420, 16-6-306, MCA

Reasonable Necessity Statement

The department proposes to amend 42.13.1103(1)(a) for the same reasons and under the authority expressed in the statement of reasonable necessity for the proposed amendments to ARM 42.13.1102(1)(a).

The department proposes to amend (1)(g) for the same reasons and under the authority expressed in the statement of reasonable necessity for the proposed amendments to ARM 42.13.1102(1)(d).

The department proposes to amend (3)(a) for the same reasons and under the authority expressed in the statement of reasonable necessity for the proposed amendments to ARM 42.13.1102(4)(a).

42.13.1104 ON-PREMISES CONSUMPTION BEER AND WINE LICENSE - CONDITIONS FOR OPERATING

- (1) In addition to all other alcoholic beverage licensing requirements, an on-premises consumption beer and wine licensee shall:
- (a) only purchase and possess on the premises beer from a beer wholesaler or brewery, fortified wine from an agency liquor store, and table wine from a table wine distributor or winery, except as permitted under 16-3-301(8), 16-3-302(5), 16-4-213(4)(a)(iii), 16-4-401(9)(e), 16-4-404(7), and 16-6-306(3), MCA;
 - (b) store alcoholic beverages only on the premises or in an approved noncontiguous alcoholic beverage storage area;
 - (c) offer beer and wine for on-premises consumption;
 - (d) prevent the self-service of alcoholic beverages on the premises, except as provided in 16-3-311(1), MCA;

- (e) prevent the sale of alcoholic beverages for on-premises or off-premises consumption between 2 a.m. and 8 a.m.;
 - (f) prevent the consumption or possession of alcoholic beverages on the premises between 2 a.m. and 8 a.m., by removing all alcoholic beverages other than those sold for off-premises consumption pursuant to (2) from individuals' possession by 2 a.m.;
 - (g) prevent the consumption or possession of alcoholic beverages on the premises by persons who are under 21 years of age or actually, apparently, or obviously intoxicated; and
 - (h) prevent the on-premises consumption of alcoholic beverages not sold or provided at the premises and those sold for off-premises consumption pursuant to (2).
- (2) An on-premises consumption beer and wine licensee may sell alcoholic beverages for off-premises consumption under the following conditions:
- (a) alcoholic beverages must be sold in original packaging, prepared servings filled at the time of sale, or growlers of beer or table wine filled at the time of sale; and
 - (b) except as provided in (4) and (5), the sale of alcoholic beverages must occur on the premises.
- (3) An on-premises consumption beer and wine licensee may use curbside pickup, including a drive-through window, to sell alcoholic beverages that were ordered online, in person, or through the phone.
- (4) An on-premises consumption beer and wine licensee may deliver alcoholic beverages to a customer off-site under the following conditions:
- (a) the licensee must apply for, and be issued, a delivery endorsement from the department. The application fee for the delivery endorsement is ~~\$200~~ provided in ARM 42.12.111;
 - (b) alcoholic beverage delivery is limited to beer and wine in original packaging;
 - (c) the licensee may deliver alcoholic beverages if the delivery includes food purchased from and prepared by the licensee. The purchase price of the delivered beer and wine may not exceed the purchase price of the delivered food; and
 - (d) the licensee must use its employees who are 21 years of age or older for all food deliveries that include alcoholic beverages. Third-party delivery companies are prohibited.
- (5) An on-premises consumption beer and wine licensee may purchase up to a total of six gallons of beer or table wine per day from licensed in-state retailers. The

licensee shall maintain records for beer or table wine purchased from in-state retailers separate from those for inventory purchased through ordinary means of distribution. Records shall include:

- (a) the date the beer or table wine was purchased;
 - (b) the type(s), brand(s), and quantity of beer or table wine purchased; and
 - (c) the identity of the retailer from whom the beer or table wine was purchased.
- (6) An on-premises consumption beer and wine licensee may allow a customer to take partially consumed bottles of wine with them to go if the bottle is adequately sealed with the original cork or bottle top. This provision is not intended to supersede any jurisdiction's open container laws or contravene 61-8-1026, MCA, regarding open alcoholic beverage containers in motor vehicles.
- (7) If a licensee leases or subleases its kitchen, or another specified area within its premises, to allow another business entity to operate a business within the licensed premises, as conditioned in 16-3-311(1)(a), MCA, then the licensee shall ensure adequate safeguards are in place to prevent access to the alcoholic beverage inventory by the other business entity. The area leased or subleased by the licensee shall be clearly marked on the floor plan, a copy of which shall be submitted to the department.

Authorizing statute(s): 16-1-303, MCA

Implementing statute(s): 16-3-301, 16-3-303, 16-3-304, 16-3-305, 16-3-311, 16-3-312, 16-3-411, 16-4-104, 16-4-105, 16-4-405, 16-6-306, MCA

Reasonable Necessity Statement

The department proposes to amend 42.13.1104(1)(a) for the same reasons and under the authority expressed in the statement of reasonable necessity for the proposed amendments to ARM 42.13.1102(1)(a).

The department proposes to amend (1)(d) for the same reasons and under the authority expressed in the statement of reasonable necessity for the proposed amendments to ARM 42.13.1102(1)(d).

The department proposes to amend (4)(a) for the same reasons and under the authority expressed in the statement of reasonable necessity for the proposed amendments to ARM 42.13.1102(4)(a).

42.13.1105 OFF-PREMISES CONSUMPTION BEER AND TABLE WINE LICENSE - CONDITIONS FOR OPERATING

- (1) In addition to all other alcoholic beverage licensing requirements, an off-premises consumption beer and table wine licensee shall:
 - (a) only purchase and possess on the premises beer from a beer wholesaler or brewery and table wine from a table wine distributor or winery except as permitted under 16-3-301(8) and 16-4-404(7), MCA;
 - (b) store beer and/or table wine only on the premises or in an approved noncontiguous alcoholic beverage storage area;
 - (c) sell beer and/or table wine for off-premises consumption only in their original packages;
 - (d) operate as a stand-alone beer and/or table wine business, grocery store, or drugstore licensed as a pharmacy; and
 - (e) prevent the sale of alcoholic beverages between 2 a.m. and 8 a.m.
- (2) The sale of alcoholic beverages must occur on the premises. An off-premises consumption beer and/or table wine licensee may use curbside pickup, including a drive-through window, to sell alcoholic beverages that were ordered online, in person, or through the phone.
- (3) In addition to the requirements in (1), an off-premises consumption beer and/or table wine licensee that operates in a grocery store shall maintain groceries with a retail value of at least \$3,000 at all times. The inventory must include at least three different types of items in each of the following categories: meats, vegetables, fruits, baked goods, dairy, and household supplies. For example, three different types of items in the dairy category would be cheese, milk, and butter, but skim milk, chocolate milk, and whole milk would not be considered as three different types of items in the dairy category.
- (4) The delivery of alcoholic beverages by an off-premises consumption beer and table wine licensee to the consumer off-site is prohibited.
- (5) An off-premises consumption beer and/or table wine licensee may purchase up to a total of six gallons of beer or table wine per day from licensed in-state retailers. The licensee shall maintain records for beer or table wine purchased from retailers separate from those for inventory purchased through ordinary means of distribution. Records shall include:
 - (a) the date the beer or table wine was purchased;
 - (b) the type(s), brand(s), and quantity of beer or table wine purchased; and

- (c) the identity of the retailer from whom the beer or table wine was purchased.
- (6) An off-premises consumption beer and wine licensee that operates in conjunction with a grocery store or drugstore licensed as a pharmacy may use its own employees, who are 21 years of age or older, or an independent contractor to deliver beer and wine to a customer under the following conditions:
 - (a) the licensee must apply for the delivery endorsement, pay the required processing fee in ARM 42.12.111, and receive department approval for the endorsement; and
 - (b) delivery is limited to beer and wine in its original packaging only.
- (7) An off-premises consumption beer and wine licensee may also use a third-party delivery licensee to deliver beer and wine in its original packaging.

Authorizing statute(s): 16-1-303, MCA

Implementing statute(s): 16-3-301, 16-3-304, 16-3-305, 16-3-312, 16-4-115, 16-4-307, 16-4-402, 16-4-405, MCA

Reasonable Necessity Statement

The department proposes to amend 42.13.1105 through the addition of new (6) and (7) to continue the department's implementation of HB 211. New (6) aligns the rule with HB 211's delivery options for off-premises consumption beer and table wine licensees, where delivery service is contemplated by the licensee using its own employees or an independent contractor of the licensee. Section (6) proposes that there is a delivery endorsement application, processing fee, and department approval process that is required before delivery can commence by the licensee.

New (7) is proposed to inform off-premises consumption beer and wine licensees of the option for delivery through the use of a third-party delivery licensee, also contemplated under HB 211, which does not require the off-premises consumption beer and wine licensee to obtain an endorsement or incur processing fees.

Lastly, the department proposes to amend the implementing statutes for the rule to meet the requirements of 2-4-305, MCA.

ADOPT

The rules proposed to be adopted are as follows:

NEW RULE 1 THIRD-PARTY DELIVERY LICENSE AND THIRD-PARTY DELIVERY DRIVERS

- (1) An application for a third-party delivery license shall be made through the department's online licensing portal. In addition to the license application, the applicant must pay the initial license fee required by 16-4-501, MCA.
- (2) A third-party delivery license expires on June 30 and can only be renewed by completing a renewal application through the department's licensing portal and paying the annual renewal fee. A third-party delivery licensee may not offer delivery service on an expired license.
- (3) A third-party delivery driver must verify the age of the recipient. A third-party delivery driver may use the following forms of identification to verify age:
 - (a) any state-issued driver's license or identification card;
 - (b) any Canadian government-issued driver's license or identification card;
 - (c) a passport;
 - (d) any federally recognized tribal identification card; and
 - (e) any government-issued identification in a hard-copy or digital version.
- (4) A third-party delivery driver may use scanning software technology to aid in the age verification of the recipient.

Authorizing statute(s): 16-1-303, 16-4-307, MCA

Implementing statute(s): 16-4-307, 16-4-501, MCA

Reasonable Necessity Statement

The department proposes to adopt NEW RULE 1 which is necessary to implement HB 211 that created a third-party delivery license. The rule provides basic application instructions, a renewal process, and cross-references the statutory fee schedule. NEW RULE 1 also provides some minimal operational guidance for third-party delivery drivers regarding acceptable forms of identification for customers receiving deliveries and reiterates the statutory allowance that third-party delivery drivers may use software technology to verify the age of customers.

Other proposed requirements for third-party delivery licensees and third-party delivery drivers regarding responsible sales and service training can be found under the department's proposed rulemaking under MAR Notice No. 2025-227.1 (proposal notice published October 10, 2025), which is subject to change prior to final adoption.

NEW RULE 2 SELF-POUR DEVICES

- (1) An on-premises consumption licensee who wants to use a self-pour device for customers to self-pour beer and wine, as provided in 16-3-311, MCA, must obtain department approval for the device prior to customer use.
- (2) The licensee must submit a completed form, provided by the department, and provide an updated floor plan of the licensed premises showing the location of each self-pour device for department review and approval.
- (3) Upon receipt of the items in (2), the department will notify the licensee within seven business days of the approval or denial of the self-pour device request.
- (4) The licensee and its employees, or a concessionaire and its employees, may provide customer access to a self-pour device if the customer is at least 21 years of age and is not actually, apparently, or obviously intoxicated.
- (5) A self-pour device shall not dispense more than 48 ounces of beer or 15 ounces of table wine per customer per purchase transaction.
- (6) A customer may purchase additional beer or wine through a self-pour device from the service staff subject to the conditions in (4) and (5).

Authorizing statute(s): 16-1-303, MCA

Implementing statute(s): 16-3-311, MCA

Reasonable Necessity Statement

The department proposes NEW RULE 2 to implement HB 123. HB 123 allows an on-premises consumption licensee, subject to department approval, to provide customers with an electronic or other technology-based self-pour beer and table wine device. Proposed (1) reflects the statutory requirement that a licensee's self-pour devices must be department approved, and proposed (2) and (3) contain the means of seeking approval and department processing times. Sections (4) and (5) seek to implement the required licensee monitoring of customers to prevent overservice and sets the maximum amount, in ounces, of beer and table wine that can be purchased by a customer under one transaction. The department opted for the proposed volume(s) to emphasize licensee involvement in customer consumption to prevent overservice.

Small Business Impact

With regard to the small business impact analysis requirements of 2-4-111, MCA, as amended by HB 592 (2025), the department has analyzed the proposed rule adoptions and amendments

and the groups or class of businesses directly affected by this rulemaking if they meet the definition of a small business under 2-4-102(13), MCA.

The department contends that, with the exception of processing fees for optional license applications or endorsements which are discussed below, any direct small business impact does not arise from the proposed rulemaking but through the legislature's enactment of public policy given the legislation being implemented by the department was requested and supported by licensees or related parties within the alcoholic beverage industry.

FISCAL IMPACT: In accordance with 2-4-302(1)(c), MCA, the department is also required to estimate the fiscal impact through the payment and collection of fees proposed in ARM 42.12.111 and the number of persons affected.

The department estimates no fiscal impact to implement HB 123 as self-pour devices are not expected to change, increase, or decrease the sale and consumption of alcohol.

HB 211 creates a new third-party delivery fee with an annual license fee of \$1,000. The department anticipates that ten entities will seek the delivery license per year, resulting in annual general fund revenue of \$13,000.

The department cannot estimate fiscal impact related to the \$100 processing fees to implement HB 491 because there is no accurate way to estimate how many continuing care retirement communities will add either a noncontiguous storage area or any additional buildings.

HB 882 amended 16-3-302, MCA, to allow the sale of alcoholic beverages in up to two licensed alcohol structures separate from the main licensed premises, allow an on-premises consumption license operated within the boundaries of a resort area to allow for the on-premises consumption of alcoholic beverages from another license within the same resort area, and allow guest ranches to serve beverages in one or more permanent buildings. The request requires a floor plan of the licensed premises of each additional building and a statutory fee of \$100 payable to the department. The department anticipates that some licensees may seek to license additional buildings; however, the exact number of applicants is not known and only a nominal impact is anticipated.

Documentation of the small business impact analysis is available upon request.

Bill Sponsor Notification

The primary bill sponsors of House Bills 123, 211, 491, and 882 were contacted by electronic mail on July 23, 2025, and on November 6, 2025. The department received no comments from the bill sponsors to incorporate into the proposal notice.

Interested Persons

The Department of Revenue maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request, which includes the name and e-mail or mailing address of the person to receive notices and specifies that the person wishes to receive notice regarding particular subject matter or matters. Notices will be sent by e-mail unless a mailing preference is noted in the request. A written request may be mailed or delivered to the contact person in this notice or may be made by completing a request form at any rules hearing held by the Department of Revenue.

Rule Reviewer

Todd Olson

Approval

Scott Mendenhall, Deputy Director of Revenue



**MONTANA
ADMINISTRATIVE
REGISTER**



DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-171.1

Summary

The department proposes to adopt a new rule implementing House Bill 672, which was enacted by the 2025 Montana Legislature, establishing a process to help ensure the timely and accurate relocation of utilities and other facilities affected by certain highway construction projects on commission-designated highway systems and state highways.

Hearing Date and Time

Friday, December 12, 2025, at 10:00 a.m.

Virtual Hearing Information

Join from PC, Mac, iPad, or Android:

<https://mt-gov.zoom.us/j/85368443254?pwd=BqUCTuorsnOFVICB28JBS7n5Qgafee.1>

Passcode:211935

Phone one-tap:

+12063379723,,85368443254#,,,,*211935# US (Seattle)

+12133388477,,85368443254#,,,,*211935# US (Los Angeles)

Join via audio:

+1 206 337 9723 US (Seattle)

+1 213 338 8477 US (Los Angeles)

+1 646 558 8656 US (New York)

Webinar ID: 853 6844 3254

Passcode: 211935

International numbers available: <https://mt-gov.zoom.us/j/kbFwfFsIWx>

Join from an H.323/SIP room system:

H.323: 144.195.19.161 (US West) or 206.247.11.121 (US East)

Meeting ID: 853 6844 3254

Passcode: 211935

SIP: 85368443254@zoomcrc.com

Passcode: 211935

Comments

Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted to the contact person below. Comments must be received by Friday, December 19, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Friday, December 5, 2025, at 5:00 p.m.

Contact

Aliselina Strong
(406) 444-9415
astrong@mt.gov

General Reasonable Necessity Statement

The department proposes to adopt a rule implementing House Bill 672 for moving utilities and other facilities during transportation projects that use the design-bid-build method.

The proposed rule sets consistent standards for notifying facility owners, firm deadlines for relocation, clear guidelines for handling delays or noncompliance, and explains penalties when moves aren't completed on time.

By establishing these standards, the proposed rule supports timely and fair relocation, prevents project delays, protects public funds, and fulfills the direction of the Montana Legislature under HB 672.

Rulemaking Actions

ADOPT

The rule proposed to be adopted is as follows:

NEW RULE 1 UTILITY RELOCATION FOR DESIGN-BID-BUILD HIGHWAY PROJECTS

- (1) In addition to other options available to the department, all facilities located in the highway right-of-way must follow this rule when any part of them must be moved for a highway project that uses the design-bid-build delivery method.
- (2) The department will send a preliminary notice to any facility owner whose facility may need to be moved for a highway project.
 - (a) The preliminary notice will be in writing and will give enough information for the facility owner to know the project location, the possible extent of the move, and the approximate date the project will go out for bids based on the department's tentative construction plan.
 - (b) The department may send a preliminary notice anytime during project planning, but always before or at the meeting with the facility owner to discuss project details, estimated reimbursement, or a utility agreement.

- (3) Any facility owner that receives a preliminary notice under (2) will also receive a written notice to move its facilities for the highway project. The written notice will allow a reasonable amount of time for relocation. This timeframe will be no less than 90 days, and it is always in addition to the 90 days following the preliminary notice. A reasonable written notice is effective the date it is sent or 90 days after the preliminary notice is sent, whichever is later.
 - (a) A notice to proceed counts as reasonable written notice.
 - (b) A letter may also serve as reasonable written notice if it sets a date for removal and warns the facility owner that the department will remove the facility itself if the facility is not moved as instructed.
- (4) If a facility owner entitled to reimbursement does not cooperate during the department's project planning process or fails to relocate as required under a reasonable written notice, a daily charge of 2.5% of the reimbursement amount in the utility agreement will be deducted. The charge starts on the date listed in the utility agreement (at least 90 days after the reasonable written notice was sent) and continues until relocation is accepted by the department or the reimbursement is reduced to zero, whichever occurs first.
- (5) If a facility owner submits a written request claiming an excusable delay, the department may extend the reasonable amount of time for relocation as defined in this rule, counted to the nearest full day.
 - (a) The request must be submitted within 21 days of the event that caused the delay. The facility owner must provide documentation proving the delay was excusable and specific to the project and location.
 - (b) The request will be reviewed by the district agent, right-of-way utilities manager, or another designated staff member, and the decision will be provided in writing.
 - (c) An excusable delay is caused by something beyond the facility owner's control that could not have been predicted. Examples include severe winter weather, environmental conditions preventing relocation, or material delays caused by an industry-wide strike, national disaster, or major shortage.
 - (d) Delays caused by things the facility owner could have prevented or anticipated, such as traffic control device needs, late supply orders, and financial problems are not excusable.
- (6) Facility owners must ensure relocations are accurate and comply with permits and agreements.
 - (a) Once relocation is finished, the department will confirm in writing, which is the official completion date.

- (b) Final acceptance by the department does not guarantee the installation is accurate; it only finalizes the charges deducted from reimbursement and establishes the total reimbursement reduction.
- (7) If a facility owner does not relocate in compliance with this rule, the department has the right to hire qualified contractors to remove the facility.
- (8) If a department notice under this rule contains an error, it can be corrected with another notice. Minimum time periods set in this rule or in 60-4-403, MCA, will not automatically change because of the error, unless the error misled the facility owner or made the notice invalid. A corrective notice may also clarify how or if a timeline is affected.
- (9) Any notice to a facility owner under this rule may be delivered using the contact information on record for the permit, if one exists. If no permit exists, the department may use any commercially reasonable method to contact the facility owner.

Authorizing statute(s): 60-4-403, MCA

Implementing statute(s): 60-4-402, 60-4-403, MCA

Small Business Impact

The proposed rule defines an incremental reduction to department cost participation if a facility relocation is delayed beyond a reasonable timeframe. Authority is also provided for the department to remove a facility if the owner fails to relocate it as provided by the proposed rule. There is no cost impact to facility owners, including small businesses, who accurately complete a required relocation in the reasonable timeframe provided in the proposed rule.

Further, the department is not aware of any facility, as defined in the proposed rule, where the owner meets the criteria of a small business as defined in 2-4-102, MCA.

Tribal Impact

This proposed rule defines an incremental reduction to department cost participation if a facility relocation is delayed beyond a reasonable timeframe. Authority is also provided for the department to remove a facility if the owner fails to relocate it as provided by the proposed rule. The department has identified a number of tribal-owned facilities located in the highway rights-of-way. There is no impact to facility owners, including facilities owned by tribes, who accurately complete a required relocation in the reasonable time frame provided in the proposed rules.

Bill Sponsor Notification

The primary bill sponsor, Representative Sprunger, was contacted by email on May 23, 2025. Rep. Sprunger participated in meetings with the department and stakeholders.

Interested Persons

The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Written requests may be mailed or delivered to the contact person above or may be made by completing a request form at any rules hearing held by the department.

Rule Reviewer

Tyler Moss

Approval

Lawrence Flynn, Deputy Director



**MONTANA
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DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-146.2

Summary

Home inspector licensure

Previous Notice(s) and Hearing Information

On October 10, 2025, the Department of Labor and Industry (agency) published MAR Notice No. 2025-146.1 regarding the public hearing on the proposed changes to the agency's rules, in the 2025 Montana Administrative Register, Issue No. 19.

On November 6, 2025, a public hearing was held on the proposed changes to the rules via the videoconference and telephonic platform. No comments were received by the comment deadline.

Final Rulemaking Action – Effective January 1, 2026

ADOPT AS PROPOSED

The agency has adopted the following rule as proposed:

NEW RULE 1 (24.152.405) SUBSTANTIAL EQUIVALENCY

TRANSFER AND AMEND AS PROPOSED

The agency has transferred and amended the following rules as proposed:

24.33.406 (24.152.401) FEE SCHEDULE

24.33.411 (24.152.411) APPLICATIONS FOR HOME INSPECTOR LICENSE

24.33.431 (24.152.431) HOME INSPECTOR EDUCATION COURSES

REPEAL

The agency has repealed the following rules as proposed:

24.33.401 DEFINITIONS

24.33.416 APPROVAL OF APPLICATIONS

24.33.421 REGISTRATION REQUIRED FOR SUBCONTRACTORS AND INDEPENDENT CONTRACTORS

24.33.441 DUTY TO UPDATE ROSTER AND BUSINESS INFORMATION – SUSPENSION – REINSTATEMENT OF REGISTRATION

24.33.461 RECOGNITION OF CONTINUING EDUCATION COURSES

24.33.471 PENALTIES – CIVIL FINES – INJUNCTIVE RELIEF

24.33.475 DISPUTE RESOLUTION PROCESS

Statement of Reasons

No comments were received.

Contact

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Montana Relay: 711

Rule Reviewer

Quinlan L. O'Connor

Approval

Sarah Swanson, Commissioner



**MONTANA
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**BOARD OF BARBERS AND COSMETOLOGISTS
DEPARTMENT OF LABOR AND INDUSTRY**

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-221.2

Summary

Implementing House Bills 246 (substantial equivalency) and 336 (apprenticeship pathway to licensure) and updating school curricula, premises operation, and application and renewal fees

Previous Notice(s) and Hearing Information

On September 12, 2025, the Board of Barbers and Cosmetologists (agency) published MAR Notice No. 2025-221.1 regarding the public hearing on the proposed changes to the agency's rules, in the 2025 Montana Administrative Register, Issue No. 17.

On October 2, 2025, a public hearing was held on the proposed changes to the rules via the videoconference and telephonic platform. Comments were received by the comment deadline.

Final Rulemaking Action – Effective November 22, 2025

ADOPT AS PROPOSED

The agency has adopted the following rules as proposed:

NEW RULE 1 (24.121.615) SUBSTANTIAL EQUIVALENCY

**NEW RULE 2 (24.121.616) LICENSURE BY WORK EXPERIENCE IF JURISDICTION LACKS
SUBSTANTIAL EQUIVALENCY**

NEW RULE 3 (24.121.621) APPRENTICESHIP CURRICULA REQUIREMENTS

NEW RULE 4 (24.121.622) MENTORS AND SUPERVISION

NEW RULE 5 (24.121.620) LICENSURE BY APPRENTICESHIP

AMEND AS PROPOSED

The agency has amended the following rules as proposed:

24.121.301 DEFINITIONS

24.121.401 FEES

24.121.403 LICENSE AND REGISTERED APPRENTICE ID CARD DISPLAY REQUIREMENTS

24.121.604 ACCEPTABLE COURSES OF STUDY CONTENT

24.121.611 EXAMINATION REQUIREMENTS AND PROCESS

24.121.807 SCHOOL CURRICULA

24.121.818 SCHOOL EQUIPMENT

24.121.1501 GENERAL PREMISES SANITATION

24.121.2310 UNPROFESSIONAL CONDUCT

REPEAL AS PROPOSED

The agency has repealed the following rule as proposed:

24.121.402 FEE ABATEMENT

Statement of Reasons

The agency has considered the comments and testimony received. A summary of the comments received, and the agency's responses are as follows:

Comment 1: One commenter requested the board set geographical restrictions on apprenticeships, asking for no apprenticeship within 60 miles of any licensed school in Montana.

Response 1: The board is not inclined to place limitations on different paths of training to become licensed based on where a person happens to be located in the state. Apprenticeships under House Bill (HB) 336 (2025) are intended to eliminate barriers to licensure and practice,

including geographical and monetary. There are no geographical restrictions limiting schools and course locations in statute or rule. For apprenticeship to be a viable path to licensure as required under HB 336 (2025), apprenticeships should be available to any person who wants to pursue that route regardless of geographical location as long as there is a willing employer to sponsor the apprenticeship.

Comment 2: One commenter expressed concern regarding exploitation and human trafficking potential within apprenticeships.

Response 2: Sponsors and apprentices must be registered with the Department of Labor and Industry Montana Registered Apprenticeship Program to qualify under HB 336 (2025) and these rules. The Montana Registered Apprenticeship Program inspects worksites where apprentices are working and interviews apprentices regarding their training.

The board does not believe that individuals seeking to exploit or traffic humans would invite the government in for inspections and interviews. Additionally, this board conducts inspections for all licensed salons and shops annually under 37-31-312, MCA, and will continue to do so regardless of whether or not there are sponsored apprentices at those locations. The board does not believe that regulated apprenticeships conducted in already licensed salons and shops creates an environment that increases the likelihood of exploitation and human trafficking in the barbering and cosmetology professions.

Comment 3: One commenter expressed concern that apprentices would be performing haircuts or other services without proper hours of education on the use of tools, sanitation, and safety guidelines.

Response 3: Apprenticeships include both practical experience and educational theory components. NEW RULE 3 requires education in all the areas the commenter expressed concern about for a person to complete an apprenticeship. The specific areas of curriculum for apprenticeships in NEW RULE 3 mirror the same subject matter as those required in licensed school and course curricula under ARM 24.121.807. The board is requiring all apprentices to complete the same number of theory hours as students enrolled in a school prior to being allowed by their sponsor to provide services on the public. Additionally, from a practical standpoint in a salon or shop where mentors are also providing services to their own clients, apprentices may even obtain more than the minimum hours of training required in those areas prior to performing services through didactic learning. Finally, in order to qualify for licensure in Montana, individuals who have completed apprenticeships must still pass the same National Interstate Council of State Boards of Cosmetology (NIC) theory and practical licensing exams that graduates from a school-based course must pass under ARM 24.121.611.

Comment 4: One commenter indicated allowing a family member to serve as both a sponsor and a mentor could lead to conflicts of interest, unfairness, and regulatory violations.

Response 4: The board disagrees with the commenter and will not be prohibiting family members from acting as sponsors or mentors. The board has no laws prohibiting familial

relationships with owners or teachers at licensed schools. Many salons and shops are family businesses. All mentors supervising apprentices have an obligation to comply with the rules and statutes governing both the practice of the profession and apprenticeships, including ensuring the apprentice is also following the board's regulations. In order to complete an apprenticeship to apply for licensure with the board, apprentices must complete all the areas of required education and training regardless of whether or not they have familial ties to the sponsors and/or mentors. Additionally, the board is specifically adding "failure to adequately supervise apprentices" to licensee unprofessional conduct in ARM 24.121.2310.

Comment 5: One commenter urged the board to require apprenticeship sponsors to complete 12 hours of education, consistent with requirements for licensed teachers.

Response 5: The board appreciates all comments. Presently the board only requires continuing education (CE) for teachers under ARM 24.121.2110. CE is not required for barbers, cosmetologists, electrologists, estheticians, or manicurists. The board may consider additional CE requirements for other types of licensees and supervising mentors in a future rulemaking.

Comment 6: One commenter expressed concern that the board is not holding mentors to the same standards as licensed teachers.

Response 6: The board has limited each mentor to two apprentices, ensuring apprentices receive adequate attention and supervision. The board is also requiring each mentor to be on the premises if an apprentice is performing services on a member of the public. Sponsors and mentors are required to ensure apprentices meet the minimum curriculum and education requirements set by the board and the Montana Registered Apprenticeship Program. At this time, the board is not proposing to restrict licensee mentors from also performing services in the shop or salon where they work and earn a living or require that they obtain continuing education.

Under state and federal laws, apprenticeship is designed to be a different path to qualify for licensure from the more traditional school-based education path. To require mentors to comply with the same requirements as schools and become licensed as teachers is overly burdensome on the sponsors and mentors and limits the viability of apprenticeships required under HB 336 (2025). Classroom instruction to large groups of students is different from targeted individual instruction for an apprentice. In fact, recent data from NIC regarding its licensing exam passage rates across the U.S. shows higher passage rates for first-time exam takers who have completed apprenticeships as compared to first-time exam takers who are students from traditional school-based programs. See also Response #5.

Comment 7: One commenter objected to the removal of essential oils from school curricula, indicating there is a body of scientific literature to support their use.

Response 7: The board is repealing references to essential oils as the term is not commonly defined and could be interpreted to include items containing prohibited ingredients. Additionally, the board sets minimum curricula requirements for the courses a school is

licensed to teach. As with other products and techniques not specifically named or defined in board statutes or rules, schools can set their own curricula and course requirements within ARM 24.121.807 as long those products used do not contain prohibited items and chemicals described in ARM 24.121.1517. Not including references to specific types of implements and products other than where absolutely necessary in board rules helps prevent regulatory overreach by the board and avoids possible conflicts in industries where products and equipment are constantly evolving.

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Rule Reviewer

Jennifer Stallkamp

Approval

Sarah Swanson, Commissioner

Approval

Paula Evans, Chair, Board of Barbers and Cosmetologists



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DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-268.2

Summary

Implementing industry-recognized credentials rules and House Bill 252 (2025)

Previous Notice(s) and Hearing Information

On October 10, 2025, the Department of Labor and Industry (agency) published MAR Notice No. 2025-268.1 regarding the public hearing on the proposed changes to the agency's rules, in the 2025 Montana Administrative Register, Issue No. 19.

On November 3, 2025, a public hearing was held on the proposed changes to the rules via the videoconference and telephonic platform. Comments were received by the comment deadline.

Final Rulemaking Action – Effective November 22, 2025

ADOPT AS PROPOSED

The agency has adopted the following rules as proposed:

NEW RULE 1 (24.22.402) INDUSTRY CREDENTIALS LIST

NEW RULE 2 (24.22.405) INDUSTRY-RECOGNIZED CREDENTIAL CREDIT EVALUATION

NEW RULE 3 (24.22.410) PETITION PROCESS

Statement of Reasons

The agency has considered the comments and testimony received. A summary of the comments received, and the agency's responses are as follows:

Comment 1: A commenter stated that the proposed Industry Credentials List is too limited and not useful for identifying local training options. They requested that the registry be expanded to include additional information such as location, price, delivery format, and duration to make it more functional and user-friendly.

Response 1: The department appreciates this recommendation and agrees that the usability of the Industry Credentials List is a key priority. The Industry Credentials List includes supplementary information as made available by the credential provider.

Comment 2: A commenter shared information about national and state FFA organization requirements for student advancement and suggested that these awards and degree programs could align the credentialing concepts established by House Bill (HB) 252.

Response 2: The department thanks the commenter for information regarding national and state FFA organization requirements. NEW RULE 2 outlines an evaluation process and specifies the factors the department will use to determine whether a credential qualifies as industry recognized.

Comment 3: A commenter expressed concern that rural school districts face significant barriers in sustaining dual enrollment programs and establishing industry partnerships for pre-apprenticeships. They requested inclusion of internships on the Industry Credentials List, emphasizing their particular value for rural students. The commenter also cautioned against creating a system that unintentionally disadvantages rural schools.

Response 3: The department appreciates the commenter's emphasis on equitable access and acknowledges the challenges faced by rural districts. The department has not limited the means by which a student earns an industry credential. Existing law, specifically 20-7-307 and 20-7-1510, MCA, grant school districts the authority and provide the required elements for work-based learning experiences and there is nothing in these rules that restricts a student from earning a credential through work-based learning. Equitable access remains a central focus in the review of the Industry Credentials List.

Comment 4: A commenter urged the department to maintain clear, industry-defined standards for what constitutes an industry-recognized credential. The commenter emphasized that strong, credible definitions are essential to ensuring that credentials are meaningful to employers.

Response 4: The department thanks the commenter and recognizes the importance of clear standards for defining industry-recognized credentials. NEW RULE 2 outlines an evaluation process and specifies the factors the department will use to determine whether a credential qualifies as industry recognized.

Comment 5: A commenter expressed support for the proposed rules, emphasizing that the Future Ready Incentive structure outlined in HB 252 appropriately rewards schools that provide meaningful CTE-equivalent credits leading to real-world skills and outcomes for students. The commenter stated that the proposed rules will help ensure accountability and prevent funding from supporting ineffective programs.

Response 5: The department thanks the commenter for their support. The department is committed to providing meaningful credential evaluation for industry-recognized credentials against a combination of factors outlined in NEW RULE 2.

Comment 6: A commenter expressed concern about the cost, feasibility, and unintended consequences of implementing the credential requirements, particularly for rural schools. The commenter stated that a credential-based model could narrow educational opportunities, push students to specialize prematurely, and misalign with employer expectations in small communities. The commenter requested that the department pause implementation to engage more fully with educators and employers statewide.

Response 6: The department thanks the commenter for expressing concerns over a credential-based model. However, pursuant to Section 15 of HB 252, the department is required to develop a list of industry-recognized credentials, combinations of credentials, and work-based learning experiences, and the credit value of each in three-credit increments. This list is to be developed annually, no later than December 1st. Implementation of this credential-based framework is therefore necessary to meet the department's statutory requirements outlined in Section 15 of HB 252.

Comment 7: A commenter expressed support for HB 252's goals and offered several detailed recommendations to the department's implementation including: (1) ensure equity and access for all learners; (2) assign meaningful value to all levels of credentials, including entry level credentials that do not have a credit value assigned; (3) clarify the definition of stackable credentials; (4) promote partnerships between community colleges and high schools; (5) develop a soft skills/employability certificate; and (6) strengthen transparency, communication, and inclusion of rural and small districts and the Office of Public Instruction in the rulemaking process.

Response 7: The department thanks the commenter for the comprehensive feedback and constructive recommendations. Many of the suggestions align with the department's goals for equitable access, meaningful credential evaluation, and clarity for stackable credentials. The department will explore how future updates to the Industry Credentials List will further reflect the needs of all Montana learners, including those in rural and small schools.

Comment 8: A commenter stated that while two-year colleges generally support HB 252, additional support and resources are needed to accommodate a likely increase in student enrollment resulting from its implementation.

Response 8: The department thanks the commenter and recognizes the critical role of two-year colleges in delivering credential-based education. However, support for enrollment increases is beyond the department's authority under HB 252.

Comment 9: A commenter requested that the Job Site Ready (JSR) credential on the recognized Industry Credentials List be reevaluated to be awarded three credits, citing strong curriculum alignment, industry validation, assessment rigor, and comparable contact hours to other three-credit credentials.

Response 9: The department thanks the commenter for their reevaluation request. The department will take this request into consideration and intends to review and add credentials when the Industry Credentials List is next amended through the administrative rulemaking process. Until such time as the Industry Credentials List is amended through rulemaking, the credit value for the credential will remain unchanged.

Comment 10: A commenter offered support of HB 252's goals but raised concerns about rule misalignment with statute, subjectivity in measuring "effort," lack of recognition for stackable and work-based credentials, ambiguity in the petition process, limited collaboration with schools, and inclusion of age-restricted credentials.

Response 10: The department appreciates these comments and intends to review and add additional industry-recognized credentials when the Industry Credentials List is next amended through the administrative rulemaking process. In addition, K-12 and high school districts have an established process for submitting credential recommendations for the department's consideration under NEW RULE 3 which can be added in the next administrative rulemaking process.

Comment 11: A commenter highlighted potential disparities between urban and rural schools in access to Future Ready opportunities and concern that the registry favors dual enrollment over career credentials. They also noted inconsistencies in credit valuation and suggested reevaluating credit levels for workforce-ready credentials such as EMT, CNA, and dental assistant.

Response 11: The department appreciates these comments and intends to review and add additional industry-recognized credentials in the health careers fields that are identified by industry stakeholders before the Industry Credentials List is next amended through the administrative rulemaking process.

Comment 12: A commenter expressed concern that the Industry Credentials List is incomplete and excludes many high school CTE programs, credentials, and stackable courses. They noted missing programs such as welding, machining, health sciences, business, and culinary arts, as well as unrecognized work-based learning, CTSO participation, and dual credit/AP courses. They also requested clearer processes for credential application, review timelines, and coordination with existing frameworks.

Response 12: The department appreciates these comments and intends to review and add additional industry-recognized credentials when the Industry Credentials List is next amended through the administrative rulemaking process. The department clarifies that CTE and CTSO programs are not, in themselves, considered industry-recognized credentials. A credential must be evaluated by the department using the factors in NEW RULE 2 to determine eligibility for inclusion on the credential list. In addition, K-12 and high school districts have an established process for submitting credential recommendations for the department's consideration under NEW RULE 3.

Comment 13: A commenter requested inclusion of the ProStart Certificate of Achievement (COA) credential for students completing 400 hours of relevant industry experience.

Response 13: The department appreciates the recommendation and evaluated the suggested credentials using the factors set forth in NEW RULE 2. As such, the department added ProStart's Certificate of Achievement for inclusion in the final Industry Credentials List based on alignment with these factors.

Comment 14: A commenter noted that many OPI-recognized high school credentials are excluded, while several DLI-listed credentials are unattainable for high school students or duplicate post-secondary awards. They recommended including stackable credentials, adopting flexible credit increments, and recognizing both specialized and cross-disciplinary credentials to support varied student pathways.

Response 14: The department appreciates these comments and intends to review and add additional industry-recognized credentials when the list is next amended through the administrative rulemaking process. The department agrees that the list must support both high school and post-secondary pathways. The department clarifies that OPI-recognized credentials are not, in themselves, considered industry-recognized credentials. A credential must be evaluated by the department using the factors in NEW RULE 2 to determine eligibility for inclusion on the Industry Credentials List.

Contact

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Rule Reviewer

Quinlan L. O'Connor

Approval

Sarah Swanson, Commissioner



MONTANA
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DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-523.2

Summary

Amendment of ARM 37.34.912, 37.40.1407, and 37.90.408 and adoption of NEW RULE 1 pertaining to Home and Community-Based Services Program and Electronic Visit Verification Requirements

Previous Notice(s) and Hearing Information

On June 6, 2025, the Department of Public Health and Human Services published MAR Notice No. 2025-523.1 pertaining to the public hearing on the proposed amendment of the above-stated rules in the 2025 Montana Administrative Register, Issue Number 11.

A hearing was held on June 27, 2025.

Final Rulemaking Action – Effective November 22, 2025

ADOPT AS PROPOSED

The agency has adopted the following rule as proposed:

NEW RULE 1 (37.85.405) ELECTRONIC VISIT VERIFICATION REQUIREMENTS

AMEND AS PROPOSED

The agency has amended the following rules as proposed:

37.34.912 0208 MEDICAID HOME AND COMMUNITY-BASED SERVICES PROGRAM: PROVIDER REQUIREMENTS

37.40.1407 HOME AND COMMUNITY-BASED SERVICES FOR ELDERLY AND PHYSICALLY DISABLED PERSONS: GENERAL REQUIREMENTS

37.90.408 HOME AND COMMUNITY-BASED SERVICES FOR ADULTS WITH SEVERE AND DISABLING MENTAL ILLNESS: REIMBURSEMENT

Statement of Reasons

The agency has considered the comments and testimony received. A summary of the comments received, and the agency's responses are as follows:

COMMENT #1: Multiple commenters reported that due to rigid clock-in and clock-out requirements, services they provide off-schedule go unrecorded and unpaid. The commenters indicated that because the nature of live-in caregiving is continuous, informal care provided throughout the day with rigid clock-in and clock-out procedures does not fit live-in caregiver services. For these reasons, these commenters requested that all live-in caregivers be exempted from EVV requirements.

RESPONSE #1: The department thanks the commenters for their recommendation. The department clarifies that providers can create a visit "on the fly" (at the time of service) and immediately begin providing care. If the provider forgets to log in before starting services, they can log in late. Clock-in/clock-out times can be adjusted through the provider portal if the provider is using the state's EVV system.

COMMENT #2: One commenter reported that per a recent SEIU 775 survey, 49% of respondents experienced EVV issues, with over 30% reporting issues such as poor connectivity in rural areas, task disruptions, and excessive time logging. For these reasons, this commenter requested that live-in caregivers be exempted from EVV requirements.

RESPONSE #2: The department thanks the commenter for this information and recommendation. The department clarifies that a provider can choose the Integrative Voice Response (IVR) option if the provider resides in a rural area without reliable internet or cellular service. Further details about this IVR option can be found at <https://mt.accessgov.com/dphhs/Forms/Page/evv/electronicvisitverification/1>.

COMMENT #3: One commenter reported that when she uses the EVV app, she is shorted \$150 to \$250 and requests that live-in caregivers be allowed to log their hours via the website.

RESPONSE #3: The department recommends that the commenter create a support ticket by calling (833) 483-5587.

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Rule Reviewer

Olivia Schuler

Approval

Charles T. Brereton, Director
Department of Public Health and Human Services



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DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-524.2

Summary

Amendment of ARM 37.40.1402, 37.40.1406, and 37.40.1415 and repeal of ARM 37.40.1436 and 37.40.1438 pertaining to community supports and supported living services

Previous Notice(s) and Hearing Information

On July 25, 2025, the Department of Public Health and Human Services published MAR Notice No. 2025-524.1 pertaining to the public hearing on the proposed amendment of the above-stated rules in the 2025 Montana Administrative Register, Issue Number 14.

A hearing was held on August 15, 2025.

Final Rulemaking Action – Effective November 22, 2025

AMEND AS PROPOSED

The agency has amended the following rules as proposed:

37.40.1402 HOME AND COMMUNITY-BASED SERVICES FOR ELDERLY AND PHYSICALLY DISABLED PERSON: DEFINITIONS

37.40.1406 HOME AND COMMUNITY-BASED SERVICES FOR ELDERLY AND PHYSICALLY DISABLED PERSONS: SERVICES

37.40.1415 HOME AND COMMUNITY BASED SERVICES FOR ELDERLY AND PHYSICALLY DISABLED PERSONS: REIMBURSEMENT

REPEAL

The agency has repealed the following rules as proposed:

37.40.1436 HOME AND COMMUNITY-BASED SERVICES FOR ELDERLY AND PHYSICALLY DISABLED PERSONS: COMMUNITY SUPPORTS SERVICES, REQUIREMENTS

37.40.1438 HOME AND COMMUNITY-BASED SERVICES FOR ELDERLY AND PHYSICALLY DISABLED PERSONS: SUPPORTED LIVING, REQUIREMENTS

Statement of Reasons

The agency has considered the comments and testimony received. A summary of the comments received, and the agency's responses are as follows:

Comment #1: A commenter acknowledged the need for unbundling of Big Sky Bonanza services pursuant to direction from the Centers for Medicare & Medicaid Services (CMS), but expressed concern regarding the availability of comparable services and sought clarification as to whether the unbundling of services extends to the Developmental Disabilities (DD) Waiver Program. The commenter noted that individuals with disabilities or traumatic brain injuries often rely on the instrumental activities of daily living (IADL) supports and questioned how services will be provided going forward without duplication or loss of access. The commenter requested clarification on how services will be coordinated across waivers to ensure continuity of care.

Response #1: The department appreciates the concerns raised regarding the unbundling of Big Sky Bonanza services. CMS requires clear separation of services across federal authorities to ensure compliance and prevent duplication. The department is committed to maintaining member access to necessary supports, including IADL services, and will align service delivery to ensure individuals do not experience a loss of care. Members who qualify for services through Community First Choice Services will continue to access those services as described in the Statement of Reasonable Necessity, and waiver services will remain available to eligible participants.

The unbundling of services only applies to the Big Sky Waiver program and does not extend to the DD Waiver program. The department will continue coordination across waiver programs, including the SDMI Waiver and the DD Waiver, to ensure individuals with disabilities or brain injuries receive the supports necessary to live and participate in their communities.

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Rule Reviewer

Robert Lishman

Approval

Charles T. Brereton, Director

Department of Public Health and Human Services



**MONTANA
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DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-528.2

Summary

Amendment of ARM 37.104.501 and 37.104.518 pertaining to Emergency Medical Services

Previous Notice(s) and Hearing Information

On August 8, 2025, the Department of Public Health and Human Services published MAR Notice No. 2025-528.1 pertaining to the public hearing on the proposed amendment of the above-stated rules in the 2025 Montana Administrative Register, Issue Number 15.

A hearing was held on September 2, 2025.

Final Rulemaking Action – Effective November 22, 2025

AMEND AS PROPOSED

The agency has amended the following rules as proposed:

37.104.501 DEFINITIONS

37.104.518 ADVISORY COMMITTEE

Statement of Reasons

No comments were received.

Contact

Bailey Yuhas
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Rule Reviewer

Robert Lishman

Approval

Charles T. Brereton, Director
Department of Public Health and Human Services



**MONTANA
ADMINISTRATIVE
REGISTER**



SECRETARY OF STATE

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-256.2

Summary

This rulemaking notice adopts proposed changes related to the annual election security assessment requirement.

Previous Notice(s) and Hearing Information

On August 22, 2025, the Secretary of State published MAR Notice No. 2025-256.1 pertaining to the public hearing on the proposed amendment of the below-stated rule in Issue 16 of the 2025 Montana Administrative Register. A public hearing was held on September 15, 2025.

Final Rulemaking Action – Effective November 22, 2025

AMEND AS PROPOSED

The agency has amended the following rule as proposed:

44.3.2902 ANNUAL SECURITY ASSESSMENTS

Statement of Reasons

No comments were received.

Contact

Andy Ritter
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Montana Relay: 711
Fax: (406) 444-3976

Rule Reviewer

Austin Markus James

Approval

Christi Jacobsen, Secretary of State



**MONTANA
ADMINISTRATIVE
REGISTER**



OFFICE OF THE GOVERNOR

VACANCIES AND APPOINTMENTS

NOVEMBER 2025

UPCOMING VACANCIES – DECEMBER 2025

- Montana Alfalfa Seed Committee
- Board of Medical Examiners
- Rangeland Resources Committee

https://governor.mt.gov/boards_appointments/

RECENT APPOINTMENTS – OCTOBER 2025

- **Board of Public Accountants**
 - Michael Johns
 - 10/27/25 - 7/1/27
 - Qualifications: Certified Public Accountant
 - Predecessor: Reappointed
 - Terri Herron
 - 10/27/25 - 7/1/28
 - Qualifications: Certified Public Accountant
 - Predecessor: Daniel Vuckovich
- **Board of Architects and Landscape Architects**
 - Jonathan Funk
 - 10/27/25 - 7/1/27
 - Qualifications: Clinical Laboratory Science Practitioner holding active license
 - Predecessor: Maire O'Neill
- **Montana Arts Council**
 - Sarah Calhoun
 - 10/27/25 - 2/1/30

- Qualifications: Keen interest in one or more of the arts
 - Predecessor: Reappointed
 - Sean Chandler
 - 10/27/25 - 2/1/30
 - Qualifications: Keen interest in one or more of the arts
 - Predecessor: Reappointed
 - Wylie Gustafson
 - 10/27/25 - 2/1/30
 - Qualifications: Keen interest in one or more of the arts
 - Predecessor: Reappointed
 - Christopher Dudley
 - 10/27/25 - 2/1/30
 - Qualifications: Keen interest in one or more of the arts
 - Predecessor: Linda Netschert
 - Todd Connor
 - 10/27/25 - 2/1/30
 - Qualifications: Keen interest in one or more of the arts
 - Predecessor: Angela Russell
 - Charles Fulcher
 - 10/27/25 - 2/1/27
 - Qualifications: Keen interest in one or more of the arts
 - Predecessor: Greg Murphy
- **Board of Barbers and Cosmetologists**
 - Amanda James
 - 10/9/25 - 7/1/28
 - Qualifications: Licensed Manicurist
 - Predecessor: Kelli Dirks
- **Building Codes Council**
 - John Venner
 - 10/9/25 - 10/1/26
 - Qualifications: Building contractor industry representative
 - Predecessor: Josh Steed
- **Burial Preservation Board**
 - Wallace Bearchum
 - 10/14/25 - 9/1/29
 - Qualifications: Northern Cheyenne Tribe representative
 - Predecessor: Reappointed
 - Michael Black Wolf
 - 10/14/25 - 9/1/29
 - Qualifications: Fort Belknap Indian Community representative
 - Predecessor: Reappointed
 - Aaron Brien
 - 10/14/25 - 9/1/29
 - Qualifications: Crow Nation representative

- Predecessor: Reappointed
 - Weber Greiser
 - 10/14/25 - 9/1/29
 - Qualifications: Montana Archaeological Association representative
 - Predecessor: Reappointed
 - Dyan Youpee
 - 10/14/25 - 9/1/29
 - Qualifications: Fort Peck Assiniboine and Sioux Tribes representative
 - Predecessor: Reappointed
- **Board of Chiropractors**
 - Julie Murack
 - 10/27/25 - 7/1/29
 - Qualifications: Licensed Chiropractor
 - Predecessor: Reappointed
 - Aaron Gilbert
 - 10/27/25 - 7/1/29
 - Qualifications: Public Member
 - Predecessor: Jaime Larese
- **Board of Clinical Laboratory Science Practitioners**
 - Christine Wham
 - 10/27/25 - 7/1/27
 - Qualifications: Section 121 Native American VR Project representative
 - Predecessor: Matt Aakre
- **State Electrical Board**
 - Derrick Hedalen
 - 10/27/25 - 7/1/29
 - Qualifications: Unlimited Licensed Electrical Contractor
 - Predecessor: Reappointed
 - Merna Terry
 - 10/27/25 - 7/1/29
 - Qualifications: Public Member
 - Predecessor: Reappointed
- **Geospatial Information Advisory Council**
 - Maureen Celandier
 - 10/9/25 - 7/1/28
 - Qualifications: County or municipal government representative active in land information system
 - Predecessor: Reappointed
 - Brian DeMarco
 - 10/9/25 - 7/1/28
 - Qualifications: Tribal Government Interest representative
 - Predecessor: Reappointed
 - Eric Spangenberg
 - 10/9/25 - 7/1/28

- Qualifications: Member of Montana Association of GIS Professionals
 - Predecessor: Reappointed
 - Nick Youngstrom
 - 10/9/25 - 7/1/28
 - Qualifications: Department director and may send a designee
 - Predecessor: Reappointed
- **Historical Society Board of Trustees**
 - Norma Ashby Smith
 - 6/30/25 - 7/1/30
 - Qualifications: Public Member
 - Predecessor: Reappointment
 - Ken Robison
 - 10/14/25 - 7/1/30
 - Qualifications: Historian
 - Predecessor: Reappointed
 - Christopher Warden
 - 10/9/25 - 10/1/28
 - Qualifications: Public Member
 - Predecessor: Jude Sheppard
- **Judicial Performance Evaluation Commission**
 - William Swandal
 - 10/14/25 - 10/1/27
 - Qualifications: Currently or formerly licensed to practice law in Montana
 - Predecessor: New
 - Jeffrey Laszloffy
 - 10/14/25 - 10/1/27
 - Qualifications: Public Member
 - Predecessor: New
 - Keith Regier
 - 10/14/25 - 10/1/29
 - Qualifications: Public Member
 - Predecessor: New
 - Henry Kriegel
 - 10/14/25 - 10/1/29
 - Qualifications: Public Member
 - Predecessor: New
- **Board of Medical Examiners**
 - James Guyer
 - 10/27/25 - 7/1/29
 - Qualifications: Doctor of Medicine
 - Predecessor: Reappointed
- **Board of Nursing**
 - Russell Motchenbacker
 - 10/9/25 - 7/1/29

- Qualifications: Registered Nurse
 - Predecessor: Reappointed
- **Petroleum Tank Release Compensation Board**
 - John Monahan
 - 10/9/25 - 7/1/27
 - Qualifications: Service Station Dealers representative
 - Predecessor: Reappointed
 - Cody O'Connor
 - 10/9/25 - 7/1/28
 - Qualifications: Petroleum Services Industry or the Petroleum Release Remediation Consultant Industry representative
 - Predecessor: Thomas Pointer
 - Jess Stenzel
 - 10/9/25 - 7/1/28
 - Qualifications: Insurance Industry representative
 - Predecessor: Reappointed
 - James Wilson
 - 10/9/25 - 7/1/28
 - Qualifications: Independent Petroleum Marketers and Chain Retailers representative
 - Predecessor: Reappointed
- **Board of Pharmacy**
 - Jeffrey Nikolaisen
 - 10/27/25 - 7/1/29
 - Qualifications: Licensed Pharmacist
 - Predecessor: Reappointed
- **Board of Professional Engineers and Professional Land Surveyors**
 - Daryl Pearson
 - 10/9/25 - 7/1/27
 - Qualifications: Professional Engineer
 - Predecessor: Byron Stably
 - Amy Galt
 - 10/9/25 - 7/1/29
 - Qualifications: Professional Engineer
 - Predecessor: Reappointed
 - Shane Jackola
 - 10/9/25 - 7/1/29
 - Qualifications: Professional Engineer
 - Predecessor: Reappointed
 - Shannon Wilson
 - 10/27/25 - 7/1/26
 - Qualifications: Public Member
 - Predecessor: Debora Poteet
- **Public Safety Communications System Advisory Council**

- Joe Briggs
 - 10/27/25 - 7/1/27
 - Qualifications: Montana Association of Counties representative
 - Predecessor: Reappointed
- Thomas Munsey
 - 10/27/25 - 1/2/29
 - Qualifications: Governor's Office representative
 - Predecessor: Chris Heggem
- Mike Linder
 - 10/27/25 - 7/1/27
 - Qualifications: Law Enforcement representative
 - Predecessor: Reappointed
- Michelle Dorough
 - 10/27/25 - 7/1/27
 - Qualifications: Emergency Medical Community representative
 - Predecessor: Lisa Mitchell
- Jeff Newton
 - 10/27/25 - 7/1/27
 - Qualifications: Montana League of Cities and Towns representative
 - Predecessor: Reappointed
- Lee Sullivan
 - 10/27/25 - 7/1/27
 - Qualifications: Fire Protection Community representative
 - Predecessor: Reappointed
- Zachary Slattery
 - 10/27/25 - 7/1/27
 - Qualifications: Montana Association of Public Safety Communications Officials representative
 - Predecessor: Derek Yeager
- Alan Doane
 - 10/27/25 - 1/2/29
 - Qualifications: Attorney General's Designee
 - Predecessor: Reappointed
- **Board of Realty Regulation**
 - Patti Dundas
 - 10/27/25 -9/1/29
 - Qualifications: Licensed real estate broker or salesperson
 - Predecessor: Reappointed
 - Tammy Hall
 - 10/27/25 -9/1/26
 - Qualifications: Licensed real estate broker or salesperson
 - Predecessor: Julie Gardner
 - Shonna Ruble
 - 10/27/25 -9/1/27

- Qualifications: Licensed real estate broker or salesperson
 - Predecessor: Eric Ossorio
 - Sharon Virgin
 - 10/27/25 -9/1/28
 - Qualifications: Licensed real estate broker or salesperson
 - Predecessor: Reappointed
- **Shooting Facilities and Improvements Development and Oversight Task Force**
 - Rich Roth
 - 10/14/25 - 6/30/27
 - Qualifications: Governor or designee
 - Predecessor: New
 - Mandy Rambo
 - 10/14/25 - 6/30/27
 - Qualifications: Department of Commerce representative
 - Predecessor: New
 - Elizabeth Whiting
 - 10/14/25 - 6/30/27
 - Qualifications: State Parks and Recreation Board Member
 - Predecessor: New
 - Seth Berglee
 - 10/14/25 - 6/30/27
 - Qualifications: Representative of firearm, archery, or firearm accessory manufacturing companies in the state
 - Predecessor: New
 - Andy Larsson
 - 10/14/25 - 6/30/27
 - Qualifications: Representative of firearm, archery, or firearm accessory manufacturing companies in the state
 - Predecessor: New
 - Jerry King
 - 10/14/25 - 6/30/27
 - Qualifications: Hunting or Wildlife Conservation Organization representative
 - Predecessor: New
 - Christie Knudsen
 - 10/14/25 - 6/30/27
 - Qualifications: Shooting Sports Organization representative
 - Predecessor: New
- **State Rehabilitation Council**
 - Anna Kazmierowski
 - 10/9/25 - 10/1/28
 - Qualifications: Business, Industry, and/or Labor Organization
 - Predecessor: Kendra Joyce
 - Douglas McElroy

- 10/9/25 - 10/1/28
 - Qualifications: Community Rehabilitation Program representative
 - Predecessor: Reappointed
- Corinne Moore
 - 10/9/25 - 10/1/28
 - Qualifications: Business, Industry, and/or Labor Organization
 - Predecessor: Reappointed
- Tammie Hickey
 - 10/9/25 - 10/1/28
 - Qualifications: State Workforce Innovation Board (SWIB) representative
 - Predecessor: Jennifer Owen
- Leah Zins
 - 10/9/25 - 10/1/28
 - Qualifications: Advocacy Community
 - Predecessor: Tommy Roberts
- Joleen Weatherwax
 - 10/9/25 - 10/1/28
 - Qualifications: Section 121 Native American VR Project representative
 - Predecessor: Reappointed
- Rita Brandborg
 - 10/9/25 - 10/1/27
 - Qualifications: Advocacy Community
 - Predecessor: None listed
- Joshua McDowell
 - 10/9/25 - 10/1/27
 - Qualifications: Advocacy Community
 - Predecessor: None listed
- Shannan Sproull
 - 10/9/25 - 10/1/28
 - Qualifications: Business, Industry, and/or Labor Organization representative
 - Predecessor: None listed
- **State Workforce Innovation Board**
 - Dwight Rose
 - 10/9/25 - 7/1/28
 - Qualifications: Workforce representative
 - Predecessor: Dale Carpenter
- **Underground Facility Protection Advisory Council**
 - Nick Pericich
 - 10/9/25 - 7/1/28
 - Qualifications: Municipal Sewer or Water System or Municipal Water Supply System representative
 - Predecessor: Reappointed
 - Mandi Nay

- 10/9/25 - 7/1/28
 - Qualifications: Regional Water, Wastewater, or both Authority representative
 - Predecessor: Reappointed
 - Aaron Arthur
 - 10/9/25 - 7/1/28
 - Qualifications: Telecommunications Provider with more than 50,000 subscriber lines in Montana representative
 - Predecessor: Reappointed
 - Brandon Lance
 - 10/9/25 - 7/1/28
 - Qualifications: Public Utility that Owns an Underground Facility that is a Jurisdictional Pipeline
 - Predecessor: Reappointed
 - Corey Sell
 - 10/9/25 - 7/1/27
 - Qualifications: Excavators representative
 - Predecessor: Reappointed
- **Upper Clark Fork River Basin Remediation and Restoration Advisory Council**
 - Kristine Beal
 - 10/9/25 - 9/1/27
 - Qualifications: Citizen Voting Member
 - Predecessor: Reappointed
 - Margery Christiansen
 - 10/9/25 - 9/1/27
 - Qualifications: Citizen Voting Member
 - Predecessor: Reappointed
 - Maureen Connor
 - 10/9/25 - 9/1/27
 - Qualifications: Citizen Voting Member
 - Predecessor: Billie Kulaski
 - Andy Fischer
 - 10/9/25 - 9/1/27
 - Qualifications: Citizen Voting Member
 - Predecessor: Reappointed
 - Katie Garcin-Forba
 - 10/9/25 - 9/1/27
 - Qualifications: DEQ Director or designee
 - Predecessor: Reappointed
 - Steve Hill
 - 10/9/25 - 9/1/27
 - Qualifications: Citizen Voting Member
 - Predecessor: Reappointed
 - Michael Paffhausen

- 10/9/25 - 9/1/27
 - Qualifications: Citizen Voting Member
 - Predecessor: Reappointed
 - Anna Pakenham Stevenson
 - 10/9/25 - 9/1/27
 - Qualifications: DNRC Director or designee
 - Predecessor: Reappointed
 - Elton Ringsak
 - 10/9/25 - 9/1/27
 - Qualifications: Citizen Voting Member
 - Predecessor: Reappointed
 - Bill Schenk
 - 10/9/25 - 9/1/27
 - Qualifications: FWP Director or designee
 - Predecessor: Reappointed
 - Maggie Schmidt
 - 10/9/25 - 9/1/27
 - Qualifications: Citizen Voting Member
 - Predecessor: Reappointed
- **Board of Veterinary Medicine**
 - Katie Rein
 - 10/27/25 - 7/1/28
 - Qualifications: Licensed Veterinarian
 - Predecessor: Reappointed
- **Board of Veterans' Affairs**
 - Todd Dunlap
 - 10/9/25 - 8/1/29
 - Qualifications: Senator Sheehy representative – non-voting member
 - Predecessor: Reappointed
 - Roger Hagan
 - 10/9/25 - 8/1/29
 - Qualifications: Region 3 Veteran
 - Predecessor: Reappointed
 - Brigadier General Trenton Gibson
 - 10/9/25 - 8/1/29
 - Qualifications: Director of Department of Military Affairs
 - Predecessor: John Hronek II
 - Misty Kuhl
 - 10/9/25 - 8/1/29
 - Qualifications: Director of Office of Indian Affairs
 - Predecessor: Reappointed
 - Kurt Nelson
 - 10/9/25 - 8/1/29
 - Qualifications: Region 5 Veteran

- Predecessor: Reappointed
- Chauncey Parker
 - 10/9/25 - 8/1/29
 - Qualifications: Tribal Government representative
 - Predecessor: Reappointed
- Myles Thompson
 - 10/9/25 - 8/1/29
 - Qualifications: Congressman Troy Downing representative – non-voting member
 - Predecessor: Reappointed